

THE MUNICIPAL CODE OF THE CITY OF MARSHFIELD

THE GENERAL ORDINANCES

Updated through Ordinance No. 1374, enacted April 23, 2009.

PUBLISHED BY ORDER OF THE BOARD OF ALDERMEN

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ADOPTING ORDINANCE

BILL NO. 1004

ORDINANCE NO. 1004

An ordinance adopting and enacting a new code of ordinances of the City of Marshfield; establishing the same; providing for the repeal of certain ordinances not included therein, except as herein expressly provided; providing for the manner of amending such Code of Ordinances; providing penalty for the violation thereof; and providing when this ordinance shall become effective.

Be it ordained by the Board of Aldermen of the City of Marshfield as follows:

Section 1. That pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VII, each inclusive, of the "Code of Ordinances of the City of Marshfield" is hereby adopted and enacted as the "Code of Ordinances of the City of Marshfield"; which shall supersede all other general and permanent ordinances of the City passed on or before August 22, 2002, to the extent provided in Section 3 hereof.

Section 2. That all provisions of such code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.

Section 3. That all ordinances of a general and permanent nature of the City adopted on final passage on or before August 22, 2002, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:

- a. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City;
- b. Ordinances levying taxes or making special assessments;
- c. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
- d. Ordinances granting franchises or rights to any person, firm or corporation;
- e. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;
- f. Ordinances authorizing or relating to particular public improvements;
- g. Ordinances respecting the conveyances or acceptance of real property or easements in real property;
- h. Ordinances dedicating, accepting, or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;
- i. Ordinances annexing property to the City;
- j. All zoning and subdivision ordinances not specifically repealed and not included herein;
- k. Ordinances establishing TIF districts or redevelopment districts;
- l. All ordinances relating to personnel regulations;
- m. Ordinances authorizing the establishment of industrial development corporations;
- n. Specifically Ord. No. 1, adopted 12-20-51 and any amendments thereto concerning City boundaries.

That the repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

That the repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgement rendered prior to such date.

Section 4. That any and all additions and amendments to such Code when passed in such form as to indicate the intention of the Board of Aldermen to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the City of Marshfield", shall be understood and intended to include such additions and amendments.

Section 5.

- a. Except as hereinafter provided, whenever in any rule, regulation or order promulgated pursuant to such ordinances of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such City ordinance, rule, regulation or order doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such ordinance of the City, or of any rule, regulation or order promulgated pursuant to such City ordinance shall be punished by a fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed three (3) months, or by both such fine and imprisonment.
- b. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of these ordinances or rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these ordinances or rules, regulations or orders shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.
- c. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State establishes a penalty differing from that provided by this Section, for an offense similar to any offense established by these ordinances, rules, regulations or other orders of the City, the violation of such City law, ordinance, rule, regulation or order shall be punished by the fine or imprisonment established for such similar offense by such State law.
- d. Each day any violation of these ordinances, rules, regulations or order promulgated pursuant thereto, shall continue shall constitute a separate offense, unless otherwise provided.
- e. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

Section 6. That in case of the amendment by the Board of Aldermen of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty, is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section 7. That a copy of such Code shall be kept on file in the office of the City Clerk, preserved in looseleaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the Board of Aldermen to make the same part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which from time to time may be repealed by the Board of Aldermen. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or alter by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Marshfield to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 5 of this ordinance.

Section 9. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 10. This ordinance and the Code adopted hereby, shall become effective February 13, 2003.

PASSED by the Board of Aldermen of the City of Marshfield, this 13th day of February, 2003.

APPROVED by the Mayor of the City of Marshfield this 13th day of February, 2003.

C. R. Clark

C. R. Clark, Mayor of the City of Marshfield

ATTEST:

Karen Case

Karen Case, City Clerk

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

ARTICLE I. GENERALLY

SECTION 100.010: CITY SEAL

The Seal now in possession of the City Clerk of said City and having around its margin the words "City of Marshfield, Missouri" and on the face thereof a device consisting of the figure of a rising sun with the word "SEAL" inscribed across the face thereof, is hereby declared to be the official Seal of the City of Marshfield. (Ord. No. 2 §1, 12-20-51)

SECTION 100.020: FEDERAL OLD-AGE AND SURVIVORS INSURANCE

- A. It is hereby declared to be the policy and purpose of the City of Marshfield, to extend, at the earliest date, to all eligible employees and officials of said City who are not excluded by law or by this Section, and whether employed in connection with a governmental or proprietary function of said City, the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Social Security Act, and by Sections 105.300 to 105.445, inclusive, RSMo., and amendments thereof, as the same may be now and hereafter in effect.
- B. The Mayor and City Clerk of the City of Marshfield, are hereby authorized and directed, on

behalf of this City, to prepare, execute and submit to the Office of Administration, Division of Accounting of the State of Missouri, as State Agency of the State of Missouri, a plan and agreement for extending said benefits to said eligible employees and officials of the City of Marshfield, in the form prepared by the State Agency and hereby approved and adopted by the Board of Aldermen of this City, which plan and agreement are to become effective upon approval thereof by the State Agency, and are further authorized and directed to execute agreements and modifications and amendments thereof with said State Agency, providing for the extension of said benefits to said employees and officials as set forth in said plan and agreement, as provided for in Subsection (A) hereof, said plan and agreement to provide that said extension or benefits is to be effective on October 1, 1952.

- C. Commencing on the first (1st) day of the month following the date of the approval of the plan and agreement of this City by the State Agency, there shall be deducted from the wages of all employees and officials of the City of Marshfield, to whom the benefits of said system of Federal Old-Age and Survivors Insurance are extended, by virtue of the plan and agreement hereinbefore provided for, the amount of each of said employees' and officials' contributions, as determined by the applicable State and Federal laws and by said plan and agreement, the aggregate amount of said deductions to be paid into the Contributions Fund created by Sections 105.300 to 105.445, RSMo.
- D. Commencing on the first (1st) day of the month following the date of the approval of the plan and agreement of this City by the State Agency, there is hereby authorized to be appropriated from the General Fund of the City of Marshfield, and there is, and shall be, appropriated, the sum or sums of money necessary to pay the contributions of the City of Marshfield, which shall be due and payable by virtue of the extension of the benefits of the Federal Old-Age and Survivors Insurance System to the eligible employees and officials of said City, said sum or sums of money to be paid into the Contributions Fund created by Sections 105.300 to 105.445, RSMo. The Fund from which said appropriation is made will, at all times, be sufficient to pay the contributions of the City by this Section directed to be paid to said Contributions Fund.
- E. The City of Marshfield, from and after the approval of the plan and agreement of this City by the State Agency, shall fully comply with, and shall keep such records, make such reports and provide such methods of administration of said plan and agreement as may be required by all applicable State and Federal laws, rules and regulations, now and hereafter in effect with respect to the benefits of the Federal Old-Age and Survivors Insurance System to the employees and officials of this City. For the purpose of administering said plan and agreement on behalf of this City, and any and all notices and communications from State Agency to this City with respect to said plan and agreement shall be addressed to "City Clerk, Marshfield, Missouri". (Ord. No. 32 §§1--5, 9-16-52)

SECTION 100.030: RETIREMENT PLAN FOR EMPLOYEES

- A. All employees declared to be eligible, who have one thousand five hundred (1,500) or more hours of annual employment, shall be covered under Benefit Program L-6 of the Missouri Local Government Employees Retirement System.
- B. "Final Average Salary" for each employee is the monthly average of the compensations paid an employee during the period of sixty (60) or, if an election has been made in accordance with Section 70.656, RSMo., thirty-six (36) consecutive months of credited service producing the highest monthly average, which period is contained within the period of one hundred twenty (120) consecutive months of credited service immediately preceding his/her termination of membership. Should a member have less than sixty (60) or, if an election has been made in accordance with Section 70.656, RSMo., thirty-six (36) months of credited service. "*Final average salary*" means the monthly average of compensation paid the member during his/her total months of credited service.

- C. One hundred percent (100%) of all prior employment shall be considered for prior service crediting computed employees benefits and contributions to the system.
- D. Four percent (4%) of gross salary and wages as contributions to the system shall be required from eligible employees.
- E. The Benefit Program of member employees shall commence upon attaining the minimum service retirement age.
- F. The City Clerk is directed to deduct from the wages and salaries of each employee member, the member contributions, if any, required by Section 70.705, RSMo., and to remit the deductions to the Retirement System, together with the employer contributions required by Sections 70.705 and 70.750, RSMo.
- G. Remittances and other required reports and records shall be forwarded to the Retirement System in accordance with administrative guidelines established by officials of the Retirement System.
- H. Contributions are to be effective from January 1, 1990. (Ord. No. 566 §§1--8, 12-14-89; Ord. No. 797 §1, 2-27-97; Ord. No. 939 §1, 1-25-01; Ord. No. 1249, 1-11-07)

SECTION 100.040: GRIEVANCE PROCEDURE FOR QUALIFIED INDIVIDUALS WITH DISABILITIES

A. Purpose.

1. This document establishes the grievance procedure required by 56 Fed. Reg. 35,718 (1991) (codified at 28 CFR 35.107) pursuant to Title II of the Americans With Disabilities Act of 1990 (ADA) (42 USC 12131 et seq.) for the purpose of resolving grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the City's designated ADA coordinator, the City Clerk of the City of Marshfield, Missouri.
2. In general, ADA requires that each program, service and activity offered by the City of Marshfield, Missouri, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
3. It is the intention of the City to foster open communication with all individuals requesting readily accessible programs, services and activities. The City encourages supervisors of programs, services and activities to respond to requests for modifications or accommodations before they become grievances.

B. Definitions. The following words, when used in this Section, shall have the meanings set out herein:

COMPLAINANT: A qualified individual with a disability who files a grievance as set out in this procedure.

DESIGNATED COORDINATOR: The person appointed by the City who is responsible for the coordination of the efforts of the City to comply with and carry out its responsibilities under Title II of ADA, including the investigation of grievances filed by complainants. The designated coordinator is the City Clerk and can be contacted at Marshfield City Hall, 798 South Marshall Street, Marshfield, Missouri 65706.

GRIEVANCE: Any complaint under ADA by an individual with a disability who:

1. Meets the essential eligibility requirements for participation in or receipt of the benefits of a program, service, or activity offered by the City, and
2. Believes that he/she has been excluded from participation in, or denied the benefits of any program, service or activity of the City or has been subject to discrimination by the City, on the basis of disability.

QUALIFIED INDIVIDUAL WITH A DISABILITY: A person with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets

the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

C. *Grievances.*

1. The City will endeavor to respond to and resolve grievances without the need to resort to the formal grievance procedure established by this policy. A person who wishes to avail himself/ herself of the formal procedure, however, may do so only by filing a grievance within one hundred eighty (180) calendar days of the alleged discrimination in the form and manner prescribed in Subsection (D).
2. The City shall provide a copy of the grievance procedure and the required grievance form to anyone who requests it or expresses a desire to file a formal grievance.

D. *Manner Of Filing.*

1. The filing of a grievance is accomplished by the complainant's submission of grievance in writing to the designated coordinator on the prescribed form (such form shall be on file in the City offices).
2. In order to be deemed filed and to receive proper consideration by the designated coordinator, the grievance form must be completed in full except as otherwise indicated on the form. The designated coordinator will notify the complainant within ten (10) business days after receipt of the form if the filing is not complete. The City will assist with completion of the grievance form upon request.

E. *Initial Response.* The designated coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The designated coordinator shall provide a written response to the complainant and the City within ten (10) business days after receipt of the properly completed grievance form.

F. *Review.*

1. If the grievance has not been resolved by the designated coordinator to the satisfaction of the complainant, the complainant may submit a copy of the grievance form and the designated coordinator's response to the City Administrator for final review. The complainant shall submit these documents to the City Administrator together with a short written statement explaining the reason(s) for dissatisfaction with the designated coordinator's written response, within five (5) business days after the complainant's receipt of the designated coordinator's response. The City Administrator will extend the period for submitting the review request and supporting documents for up to ten (10) additional business days upon complainant's request.
2. The City Administrator shall appoint a three (3) member panel to review the grievance. One (1) member so appointed shall be designated as the chairperson.
3. The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the designated coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
4. The panel shall make recommendations in writing to the City Administrator as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the panel. The complainant may also make a signed, written recommendation to the City Administrator.
5. Upon receipt of the recommendations from the panel, the City Administrator shall approve, disapprove or modify the panel recommendations, shall render a decision thereon in writing, shall state the basis therefor, and shall cause a copy of the decision to be served on the parties. The City Administrator's decision shall be final. If the City Administrator disapproves or modifies the panel's recommendations, the City Administrator shall include written reasons for such disapproval or modification.
6. A complainant's failure to appeal the designated coordinator's response for review by the City Administrator within the specified time limits shall mean that the complainant has

withdrawn the grievance or has accepted the last response given by the designated coordinator.

- G. *Accessibility*. The City shall insure that all stages of the grievances procedure are readily accessible to and usable by individuals with disabilities.
- H. *Case-By-Case Resolution*. Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements for, the benefits to be derived from, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship to the City. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely. (Ord. No. 657 §§1.01--1.08, 9-9-93)

ARTICLE II. CODE PROVISIONS

SECTION 100.050: CONTENTS OF CODE

This Code contains all ordinances of a general and permanent nature of the City of Marshfield, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order and similar objects.

SECTION 100.060: CITATION OF CODE

This Code may be known and cited as the "Municipal Code of the City of Marshfield, Missouri".

SECTION 100.070: OFFICIAL COPY OF CODE

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption, shall be kept on file in the office of the City Clerk. Two (2) additional copies of this Code shall be kept in the City Clerk's office available for public inspection.

SECTION 100.080: ALTERING OR AMENDING CODE

- A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.240 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which may be prepared by the City Clerk for insertion in this Code.

SECTION 100.090: NUMBERING OF CODE

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. Both figures shall consist of three (3) digits.

SECTION 100.100: DEFINITIONS AND RULES OF CONSTRUCTION

- A. In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

BOARD OF ALDERMEN: The Board of Aldermen of the City of Marshfield, Missouri.

CITY: The words "*the City*" or "*this City*" or "*City*" shall mean the City of Marshfield, Missouri.

COUNTY: The words "*the County*" or "*this County*" or "*County*" shall mean the County of Webster, Missouri.

DAY: A day of twenty-four (24) hours beginning at 12:00 Midnight.

MAY: Is permissive.

MAYOR: An officer of the City known as the Mayor of the Board of Aldermen of the City of Marshfield, Missouri.

MONTH: A calendar month.

OATH: Includes an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" shall be equivalent to the words "*affirm*" and "*affirmed*".

OWNER: The word "*owner*", as applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

PERSON: May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

PERSONAL PROPERTY: Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING, FOLLOWING: When used by way of reference to any Section of this Code, shall mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY: Includes real and personal property.

PUBLIC WAY: Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY: The terms "*real property*", "*premises*", "*real estate*" or "*lands*" shall be deemed to be co-extensive with lands, tenements and hereditaments.

SHALL: Is mandatory.

SIDEWALK: That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

STATE: The words "*the State*" or "*this State*" or "*State*" shall mean the State of Missouri.

STREET: Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

TENANT, OCCUPANT: The words "*tenant*" or "*occupant*", applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

WRITING, WRITTEN, IN WRITING AND WRITING WORD FOR WORD: Includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR: A calendar year, unless otherwise expressed, and the word "*year*" shall be equivalent to the words "*year of our Lord*".

- B. **Newspaper.** Whenever in this Code or other ordinance of the City it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the City", and if there is no newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription

list is maintained.

SECTION 100.110: WORDS AND PHRASES -- HOW CONSTRUED

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

SECTION 100.120: HEADINGS

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

SECTION 100.130: CONTINUATION OF PRIOR ORDINANCES

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

SECTION 100.140: EFFECT OF REPEAL OF ORDINANCE

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:

1. All such proceedings shall be conducted according to existing procedural laws; and
2. If the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

SECTION 100.150: REPEALING ORDINANCE REPEALED -- FORMER ORDINANCE NOT REVIVED -- WHEN

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in anywise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided.

SECTION 100.160: SEVERABILITY

It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections and Chapters of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid

phrase, clause, sentence, paragraph or Section.

SECTION 100.170: TENSE

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition.

SECTION 100.180: NOTICE

Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
3. If the person to be served is unknown, or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

SECTION 100.190: NOTICE -- EXCEPTIONS

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

SECTION 100.200: COMPUTATION OF TIME

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

SECTION 100.210: GENDER

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

SECTION 100.220: JOINT AUTHORITY

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority.

SECTION 100.230: NUMBER

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

ARTICLE III. PENALTY

SECTION 100.240: GENERAL PENALTY

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.
- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

ARTICLE IV. MISCELLANEOUS PROVISIONS

SECTIONS 100.250: RETURNED CHECKS

Any person submitting to the City any check or checks that are returned for insufficient funds and/or closed accounts shall be assessed, in addition to the underlying fee or bill, an additional twenty dollars (\$20.00) per returned check. (Ord. No. 1274 §1, 5-22-07)

CHAPTER 105: ELECTIONS

SECTION 105.010: WARDS

The City of Marshfield is hereby divided into two (2) wards, which shall be known respectively as the West Ward and the East Ward. All that part of the City lying West of a line drawn north and south through the center of Marshall Avenue in said City shall constitute the West Ward; all that part of the City lying east of aforesaid north and south line shall constitute the East Ward. (Ord. No. 1 §2, 12-20-51)

All City elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

SECTION 105.030: DATE OF MUNICIPAL ELECTION

- A. A municipal election for the qualified voters of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Marshfield shall be held for the purpose of electing a Mayor and one (1) Alderman from each ward, who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Marshfield shall be held for the purpose of electing one (1) Alderman from each ward, who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.

SECTION 105.040: DECLARATION OF CANDIDACY -- DATES FOR FILING

Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M., on the fifteenth (15th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh (11th) Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

SECTION 105.045: CANDIDATES FOR MUNICIPAL OFFICE -- NO ARREARAGE FOR MUNICIPAL TAXES OR USER FEES PERMITTED

No person shall be a candidate for municipal office unless such person complies with the provisions of Section 115.346, RSMo., regarding payment of municipal taxes or user fees.

SECTION 105.050: DECLARATION OF CANDIDACY -- NOTICE TO PUBLIC

The City Clerk shall, on or before the fifteenth (15th) Tuesday prior to any election at which City offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing, and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the City.

SECTION 105.060: DECLARATION OF CANDIDACY -- FORM

The form of said written declaration of candidacy shall be substantially as follows:

STATEMENT OF CANDIDACY

STATE OF MISSOURI)
) SS

COUNTY OF WEBSTER)

I, _____, being first duly sworn, state that I reside at _____, City of Marshfield, County of Webster, Missouri; that I am a qualified voter; that I do hereby declare myself a candidate for

the office
of _____, to be voted upon at the municipal election to be held on the first (1st) Tuesday after
the first (1st)
Monday in April, ____, and I meet all the qualifications required of a candidate for said office,
and I hereby
request that my name be printed upon the official ballot for said election for said office, and state
that I will
serve as such officer, if elected.

Signed:

Subscribed and sworn to before me this ____ day of _____, 20__.

City Clerk
City of Marshfield

(S E A L)

SECTION 105.070: NOTICE OF ELECTIONS

In City elections, the City Clerk shall notify the County Clerk prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any City election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Aldermen is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The written notice shall be executed on behalf of the Board of Aldermen by the Mayor of the Board and shall include the attestation of the City Clerk and shall have affixed thereto the Seal of the City of Marshfield. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission.

CHAPTER 110: MAYOR AND BOARD OF ALDERMEN

ARTICLE I. MAYOR AND BOARD OF ALDERMEN -- GENERALLY

SECTION 110.010: ALDERMEN -- QUALIFICATIONS

No person shall be an Alderman unless he/she be at least twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he/she files and during the time he/she serves, of the ward from which he/she is elected.

SECTION 110.020: MAYOR -- QUALIFICATIONS

No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his/her election.

SECTION 110.030: BOARD TO SELECT AN ACTING PRESIDENT -- TERM

The Board shall elect one (1) of their own number who shall be styled "*Acting President of the Board of Aldermen*" and who shall serve for a term of one (1) year.

SECTION 110.040: ACTING PRESIDENT TO PERFORM DUTIES OF MAYOR -- WHEN

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatever, the Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed; or, in case of temporary absence, until the Mayor's return.

SECTION 110.050: MAYOR AND BOARD -- DUTIES

The Mayor and Board of Aldermen of each City governed by this Chapter shall have the care, management and control of the City and its finances, and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same.

SECTION 110.060: MAYOR MAY SIT IN BOARD

The Mayor shall have a seat in and preside over the Board of Aldermen but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she shall exercise a general supervision over all the officers and affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

SECTION 110.070: ORDINANCES -- PROCEDURE TO ENACT

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Marshfield, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto, as herein provided.

SECTION 110.080: BILLS MUST BE SIGNED -- MAYOR'S VETO

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal and proceed at its convenience to

consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds (2/3) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his/her signature.

SECTION 110.090: BOARD TO KEEP JOURNAL OF PROCEEDINGS

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business.

SECTION 110.100: BOARD MAY COMPEL ATTENDANCE OF WITNESSES -- MAYOR TO ADMINISTER OATHS

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. The officer making such service shall be allowed to receive therefor such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses.

SECTION 110.110: MAYOR TO SIGN COMMISSIONS

The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City and shall approve all official bonds unless otherwise prescribed by ordinance.

SECTION 110.120: MAYOR SHALL HAVE THE POWER TO ENFORCE LAWS

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50) to aid in enforcing the laws.

SECTION 110.130: MAYOR -- COMMUNICATIONS TO BOARD

The Mayor shall, from time to time, communicate to the Board of Aldermen such measures as may, in his/her opinion, tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the City.

SECTION 110.140: MAYOR MAY REMIT FINE -- GRANT PARDON

The Mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under the ordinances of the City; but this Section shall not be so construed as to

authorize the Mayor to remit any costs which may have accrued to any officer of said City by reason of any prosecution under the laws or ordinances of such City.

ARTICLE II. BOARD OF ALDERMEN MEETINGS

SECTION 110.150: REGULAR MEETINGS

The Board of Aldermen shall hold regular meetings at the City Council Chambers at the Marshfield City Hall on South Marshall Street in the City of Marshfield, Missouri, on the second (2nd) and fourth (4th) Thursday nights of each month at 6:00 P.M., and may hold adjourned meetings at any time, which shall be, to all intents and purposes, continuations of the regular meetings. (Ord. No. 1027 §1, 8-14-03)

SECTION 110.160: SPECIAL MEETINGS

The Board of Aldermen shall hold special meetings upon the call of the Mayor and/or two (2) members of the Board of Aldermen, which shall specify the purpose for which said meeting is called; each member of the Board of Aldermen shall be served with a copy of the notice of said meeting specifying the date, time, place and purpose. No business shall be transacted at any special meeting except that set forth in the called notice therefore. (Ord. No. 1027 §2, 8-14-03)

SECTION 110.170: QUORUM MUST BE PRESENT

A quorum for the transaction of business shall consist of a majority of all members elected to the Board of Aldermen, and when no quorum is present at any meeting, it shall stand adjourned until the next regular meeting. (Ord. No. 1027 §3, 8-14-03)

SECTION 110.180: SERGEANT-AT-ARMS

- A. The Chief of Police, or such members of the Police Department as he may designate, shall be Sergeant-At-Arms of the Board of Aldermen meetings. He shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the Board of Aldermen meetings.
- B. No person shall make personal, impertinent or slanderous remarks or otherwise disturb the order and decorum of any Board of Aldermen meeting.
- C. The Sergeant-At-Arms at the directions of the Mayor shall remove any person violating the order and decorum of Board of Aldermen meetings. (Ord. No. 1324 §§1--3, 2-28-08)

CHAPTER 115: CITY OFFICIALS

ARTICLE I. GENERAL PROVISIONS

SECTION 115.010: ELECTIVE OFFICERS -- TERMS

The following officers shall be elected by the qualified voters of the City, and shall hold office for the term of two (2) years, except as otherwise provided in this Section, and until their successors are elected and qualified, to wit: Mayor and Board of Aldermen.

SECTION 115.020: APPOINTIVE OFFICERS

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a Municipal Judge, City Collector, Fire Chief, Chief of Police, City Attorney, City Assessor, Street Commissioner and Night Watchman and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor, and the person elected Marshal may be appointed to and hold the office of Street Commissioner.

SECTION 115.030: REMOVAL OF OFFICERS

The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds (2/3) vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals.

SECTION 115.040: OFFICERS TO BE VOTERS AND RESIDENTS -- EXCEPTIONS

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City except that appointed officers need not be voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All officers, except appointed officers, shall be residents of the City.

SECTION 115.050: OFFICERS' OATH -- BOND

Every officer of the City and his/her assistants, and every Alderman, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before some court of record in the County, or the City Clerk, that he/she possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting Cities of this class, and the ordinances of the City, and faithfully demean himself/herself while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by law or ordinance, shall, within fifteen (15) days after his/her appointment or election, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City, as provided by law, that may come into his/her hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City, to the use of such person.

SECTION 115.060: SALARIES FIXED BY ORDINANCE

The Board of Aldermen shall fix the compensation of all the officers and employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he/she was elected or appointed.

SECTION 115.070: VACANCIES IN CERTAIN OFFICES -- HOW FILLED

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

SECTION 115.080: POWERS AND DUTIES OF OFFICERS TO BE PRESCRIBED BY ORDINANCE

The duties, powers and privileges of officers of every character in any way connected with the City Government, not herein defined, shall be prescribed by ordinance. Bonds may be required of any such officers for faithfulness in office in all respects.

ARTICLE II. CITY CLERK

SECTION 115.090: CITY CLERK -- ELECTION -- DUTIES

The Board of Aldermen shall elect a Clerk for such Board, to be known as "the City Clerk", whose duties and term of office shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

ARTICLE III. CITY COLLECTOR

SECTION 115.100: APPOINTMENT

The Mayor with the approval of a majority of the members of the Board of Aldermen shall appoint a City Collector.

SECTION 115.110: DUTIES GENERALLY

The Collector shall perform all the duties specified in this Code and shall perform such other duties as may be directed by the City Administrator and/or Mayor.

SECTION 115.120: COLLECTOR TO MAKE ANNUAL REPORT

The Collector shall, annually, at such times as may be designated by ordinance, make a detailed report to the Board of Aldermen stating the various monies collected by him/her during the year, and the amounts uncollected, and the names of the persons from which he/she failed to collect, and the causes therefor.

SECTION 115.130: DEPUTY COLLECTOR

The Mayor may appoint a Deputy Collector to be approved by the Board of Aldermen, and when such Deputy Collector shall have taken and subscribed to the oath provided by this Code, he/she shall possess all the qualifications and powers and be charged with the same duties as the Collector.

ARTICLE IV. CITY ATTORNEY

SECTION 115.140: APPOINTMENT -- TERM

- A. The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.
- B. *Qualifications.* No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State.

ARTICLE V. PARKS DIRECTOR AND ASSISTANT TO THE CITY ADMINISTRATOR

SECTION 115.150: APPOINTMENT AND TERM -- DUTIES

- A. *Appointment And Term.* After the first (1st) Tuesday in April of even-numbered years, the Mayor with approval of the Board of Aldermen shall appoint a Parks Director and Assistant to the City Administrator, who will hold office for a term of two (2) years and until his/her successor is appointed and qualified.
- B. *Duties.*
 - 1. Oversee pool operations, including lifeguard training and certification, seasonal opening and closing, coordination of swimming lessons and swim team, hiring, discipline and firing of personnel, preparation of seasonal calendar, and other duties relating to the operation of the City pool.
 - 2. Oversee temporary park and recreation employees.
 - 3. Administer adult softball program (spring, summer and fall seasons).
 - 4. Administer Marshfield youth summer ball program.
 - 5. Administer Marshfield youth soccer program (spring and fall seasons).
 - 6. Coordinate maintenance, scheduling and upkeep on all parks and recreational facilities.
 - 7. Oversee procurement and proper bidding procedures for parks and recreational purchases.
 - 8. Oversee Parks and Recreation Advisor Committee.
 - 9. Complete payroll for seasonal and temporary parks and recreation employees.
 - 10. Budget preparation for parks and pool.
 - 11. Complete demographic research, as necessary.
 - 12. Attend all meetings of the Board of Aldermen and other meetings or hearings as directed

- by the City Administrator.
13. Assist with Sunshine Law compliance.
 14. Coordinate grant procurement and administration as assigned.
 15. Assist City Administrator with community, commercial, employee, Boards and Commissions, and media relations, including marketing, as assigned.
 16. Assist City Administrator with administrative functions, as assigned.
 17. Other duties as assigned by the City Administrator.

ARTICLE VI. MISCELLANEOUS PROVISIONS

SECTION 115.160: OFFICERS TO REPORT RECEIPTS AND EXPENDITURES

It shall be the duty of all the officers of the City to report annually to the Board of Aldermen, such reports to embrace a full statement of the receipts and expenditures of their respective offices and such other matters as may be required by the Board of Aldermen by ordinance, resolution or otherwise.

SECTION 115.170: MAYOR OR BOARD MAY INSPECT BOOKS AND RECORDS OF OFFICERS

The Mayor or Board of Aldermen shall have power, as often as he/she or they may deem it necessary, to require any officer of the City to exhibit his/her accounts or other papers or records and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office.

CHAPTER 117: CITY ADMINISTRATOR

SECTION 117.010: CREATION OF OFFICE

The office of City Administrator, in accordance with Section 77.042, RSMo., is hereby created. (Ord. No 402 §1, 4-24-80)

SECTION 117.020: APPOINTMENT

The City Administrator shall be employed by the Board of Aldermen with the approval of the Mayor, and such appointment and employment may be for a definite or indefinite term of office. (Ord. No. 402 §2, 4-24-80)

SECTION 117.030: QUALIFICATIONS

The person appointed to the office of City Administrator shall be chosen solely on the basis of his/her executive and administrative qualifications and shall be at least twenty-one (21) years of age, and that he/she devote his/her full time to the performance of the duties of his/her office. The Board of Aldermen may also require that the City Administrator meet other personal qualifications. (Ord. No. 402 §3, 4-24-80)

SECTION 117.040: BOND TO BE FILED

The City Administrator, before entering upon the duties of his/her office, shall file with the City a blanket bond in the amount of not less than one hundred twenty thousand dollars (\$120,000.00) conditioned upon faithful and honest performance of his/her duties and the rendering of full and proper accounts to the City for funds and property that shall come into his/her possession or control. The cost of said bond shall be paid by the City, however, should the City Administrator be covered by a blanket bond to the same extent, an individual bond shall not be required. (Ord. No. 402 §5, 4-24-80)

SECTION 117.050: SALARY

The City Administrator shall receive a salary as set by ordinance for the performance of his/her duties of office, and such compensation may be determined from time to time by the Board of Aldermen and approved by the Mayor. Such compensation shall be payable according to pay periods established by the City. (Ord. No. 402 §6, 4-24-80)

SECTION 117.060: CITY ADMINISTRATOR SHALL SERVE AT PLEASURE OF THE MAYOR AND BOARD

The City Administrator shall serve at the pleasure of the Mayor and Board of Aldermen. The Mayor, with the consent of the majority of the members of the Board of Aldermen may remove the City Administrator from office at will. The City Administrator may also be removed by a two-thirds (2/3) vote of all members of the Board of Aldermen independently of the Mayor's approval or recommendation. If requested, the Board of Aldermen shall grant said City Administrator a public hearing within thirty (30) days following notice of removal. Pending such hearing, the Board of Aldermen may, by three-fourths (3/4) vote of its members, suspend the City Administrator, but shall continue his/her salary, and, if after hearing, it is determined that the City Administrator was removed from office for acts of dishonesty or of moral turpitude, such salary shall not be paid. (Ord. No. 402 §7, 4-24-80)

SECTION 117.070: DUTIES

- A. The office of City Administrator shall be a full time position and the City Administrator shall perform his/her duties during the hours set by the Mayor and Board of Aldermen and he/she shall not hold outside employment for remuneration.
- B. The City Administrator shall be the Chief Administrative Assistant to the Mayor and the City Administrator shall have general superintending control of the administration and management of the government business, officers and employees of the City, subject to the direction and supervision of the Mayor. All City Officers and employees, except the Police Department and elected officers, shall be appointed and discharged by the City Administrator, however, the Board of Aldermen may, from time to time, make reasonable rules and regulations governing the same. Additionally, the City Administrator's duties shall include, but not be limited to, the following:
 - 1. Coordinate budget requirements with individual department heads and assist in departmental budget development as may be required and prepare the overall City budget.
 - 2. Attend the meetings of the Board of Aldermen and attend any other meetings or hearings as directed by the Mayor or Board of Aldermen.
 - 3. Prepare and assist in the preparation of and distribution of newsletters and news-releases to the citizens.
 - 4. Schedule and arrange any travel or meetings for the Mayor, Board of Aldermen, and other City officials as is necessary or as requested.

5. Receive and deliver to the appropriate party, all messages applicable to City business and coordinate and implement all necessary actions which may be required or directed by said messages. This shall include any messages directed to or between the Board of Aldermen and Mayor from the citizens, department heads, City employees, or other persons. This shall include when necessary, the suspension, removal, or discharge of City employees. All hiring and firing actions of the City Administrator shall be based on actual merit and qualification or disqualification of the officers and employees without regard to race, creed, national origin, sex, religion, marital status, or political belief or affiliation.
6. Prepare and publish any documents necessary to educate others regarding procedures necessary to handle any City business, and to prepare and publish any and all applications concerning government grants when so authorized by the Mayor and Board of Aldermen.
7. Procure, develop, maintain, publish and issue all standard and special forms used in the conduct of City business.
8. Coordinate arrangements for repair and/or maintenance of City equipment or physical plant facilities.
9. Schedule the use of City building facilities including but not limited to the community room and counsel room in City Hall by City personnel, or other citizens, organizations or persons.
10. Be purchasing agent for the City, and as such, develop procedures and systems applicable to procurement and purchases in order to conform with all statutory requirements, and establish and maintain files regarding the business dealing with procurements in accordance with the policies of the Mayor and Board of Aldermen.
11. Establish and maintain files and procedures to insure that all insurance needs of the City are maintained and kept in effect for coverage as approved by the Mayor and Board of Aldermen.
12. Establish, prepare and maintain procedures for coordination of the transfer of functions during changes in administration, including any changes in the membership of the Board of Aldermen or changes in the membership of any board or changes in any City office. Periodically review and recommend any necessary changes in departmental training procedures so as to maintain currency and availability.
13. Deal with all personnel matters of general concern to employees.
14. Establish and maintain files and procedures with regard to State and Federal grants and assist in the preparation of request for such grants including follow-up action and preparation of any reports required to comply with the requirements to receive such grants.
15. Develop and recommend policies for issuance by the Mayor and Board of Aldermen regarding any improvements to administration of the City's business, including but not limited to records retention programs, personnel procedures, maintenance and up-keep of City property.
16. Prepare and maintain a calendar of events which may require attention of City officials or department heads.
17. Provide coordination between City Boards or Commissions in any outside functions, including but not limited to, swimming-pool management and such independent contractors as may be required.
18. Substitute and assist in the City Clerk's office when directed by the Mayor or when necessary, assist all departments in loaning employees between each other as may be required to meet special conditions, events or situations such as illness or vacations, catastrophe, weather conditions, etc., so that the City business may function in as efficient a manner as possible.
19. Prepare, develop and maintain job descriptions applicable to City functions; handle all

- applications for employment, arrange interviews, testing and maintain files upon applicants.
20. Develop and maintain procedures for the incorporation of and enforcement of all Federal, State and Municipal Codes or requirements in any City function.
 21. Develop and maintain an adequate information management system in order to assure timely reporting of budget versus actual receipts, expenditures and variances. Analyze variances to budget revenue and extend it to reports. Make recommendations and recovery plans regarding variances to budget targets. Assist with publication of financial statements as requested by the Board of Aldermen and the Mayor.
 22. Review and approve purchase orders and/or contracts for items or services. Establish and maintain contact with vendors representing suppliers or potential suppliers to the City of supplies or services and disseminate information to any City official or employee of possible new items or services available to the City in which the City may be interested. Develop and implement procedures for receiving, opening and review of all bids for proposed City contracts. Assure that summaries of compliance with specifications and bid pricing information are available from the appropriate department heads for review and approval by the Mayor and Board of Aldermen.
 23. Investigate, examine or inquire into the affairs and operations of any department when necessary as a function of the City Administrator's general superintending control of the administration and management of government business.
 24. Be responsible for sale of personal property belonging to the City with the approval of the Board of Aldermen.
 25. Perform such other duties as may be requested by the Mayor or Board of Aldermen or as required by ordinance not inconsistent with the Statutes of the State of Missouri, or the laws and ordinances of the City of Marshfield.
 26. Account to the Mayor and Board of Aldermen for any actions taken when requested to do so. (Ord. No. 402 §§8--9, 4-24-80)

CHAPTER 119: CONFLICTS OF INTEREST

SECTION 119.010: DECLARATION OF POLICY

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interest in matters affecting the City. (Ord. No. 599 §1, 8-8-91; Ord. No. 652 §1, 8-12-93; Ord. No. 708 §1, 8-11-94; Ord. No. 747 §1, 8-10-95; Ord. No. 783 §1, 9-11-96; Ord. No. 818 §1, 8-14-97; Ord. No. 889 §1, 8-12-99; Ord. No. 988 §1, 8-22-02; Ord. No. 1087 §1, 8-12-04; Ord. No. 1223 §1, 7-27-06; Ord. No. 1287 §1, 7-12-07; Ord. No. 1343 §1, 7-10-08)

SECTION 119.020: CONFLICTS OF INTEREST

The Mayor or any member of the Board of Aldermen who has a substantial personal or private interest, as defined by State law, in any bill shall disclose on the records of the Board of Aldermen the nature of his interest and shall disqualify himself from voting on any matters relating to this interest. (Ord. No. 599 §2, 8-8-91; Ord. No. 652 §2, 8-12-93; Ord. No. 708 §2, 8-

11-94; Ord. No. 747 §2, 8-10-95; Ord. No. 783 §2, 9-11-96; Ord. No. 818 §2, 8-14-97; Ord. No. 889 §2, 8-12-99; Ord. No. 988 §2, 8-22-02; Ord. No. 1087 §2, 8-12-04; Ord. No. 1223 §2, 7-27-06; Ord. No. 1287 §2, 7-12-07; Ord. No. 1343 §2, 7-10-08)

SECTION 119.030: DISCLOSURE REPORTS

Each elected official, the Chief Administrative Officer, the Chief Purchasing Officer and the general counsel (if employed full-time) shall disclose the following information by May first (1st) if any such transactions were engaged in during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and
2. The date and identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
3. The Chief Administrative Officer and the Chief Purchasing Officer shall also disclose by May first (1st) for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

- b. The name and address of each sole proprietorship that he owned; the name, address and general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
- c. The name and address of each corporation for which such person served in the capacity of director, officer or receiver. (Ord. No. 599 §3, 8-8-91; Ord. No. 652 §3, 8-12-93; Ord. No. 708 §3, 8-11-94; Ord. No. 747 §3, 8-10-95; Ord. No. 783 §3, 9-11-96; Ord. No. 818 §3, 8-14-97; Ord. No. 889 §3, 8-12-99; Ord. No. 988 §3, 8-22-02; Ord. No. 1087 §3, 8-12-04; Ord. No. 1223 §3, 7-27-06; Ord. No. 1287 §3, 7-12-07; Ord. No. 1343 §3, 7-10-08)

SECTION 119.040: FILING OF REPORT

The reports, in a format which shall be on file in the City Clerk's office, shall be filed with the City Clerk and with the Secretary of State prior to January 1, 1993, and thereafter with the Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. (Ord. No. 599 §4, 8-8-91; Ord. No. 652 §4, 8-12-93; Ord. No. 708 §4, 8-11-94; Ord. No. 747 §4, 8-10-95; Ord. No. 783 §4, 9-11-96; Ord. No. 818 §4, 8-14-97; Ord. No. 889 §4, 8-12-99; Ord. No. 988 §4, 8-22-02; Ord. No. 1087 §4, 8-12-04; Ord. No. 1223 §4, 7-27-06; Ord. No. 1287 §4, 7-12-07; Ord. No. 1343 §4, 7-10-08)

SECTION 119.050: WHEN FILED

The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

1. Each person appointed to office shall file a statement within thirty (30) days of such appointment or employment;
2. Every other person required to file a financial interest statement shall file the statement annually, not later than May first (1st), and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement. (Ord. No. 599 §5, 8-8-91; Ord. No. 652 §5, 8-12-93; Ord. No. 708 §5, 8-11-94; Ord. No. 747 §5, 8-10-95; Ord. No. 783 §5, 9-11-96; Ord. No. 818 §5, 8-14-97; Ord. No. 889 §5, 8-12-99; Ord. No. 988 §5, 8-22-02; Ord. No. 1087 §5, 8-12-04; Ord. No. 1223 §5, 7-27-06; Ord. No. 1287 §5, 7-12-07; Ord. No. 1343 §5, 7-10-08)

CHAPTER 120: MUNICIPAL COURT

ARTICLE I. GENERAL PROVISIONS

SECTION 120.010: COURT ESTABLISHED

There is hereby established in the City of Marshfield a Municipal Court, to be known as the "Marshfield Municipal Court, a Division of the 30th Judicial Circuit Court of the State of Missouri". In the event a Police Court existed prior to the establishment of a Municipal Court, this Court is a continuation of the Police Court of the City as previously established and is termed herein "The Municipal Court".

SECTION 120.020: JURISDICTION

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City.

SECTION 120.030: SELECTION OF MUNICIPAL JUDGE

The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 30th Judicial Circuit Court and shall be appointed to his/her position as set out in Section 115.020.

SECTION 120.040: MUNICIPAL JUDGE -- TERM OF OFFICE

The Municipal Judge shall hold his/her office for a period of two (2) years and shall take office biennially from the first (1st) Tuesday after the first (1st) Monday of odd-numbered years. If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete the term of office, even if the same be for less than two (2) years.

SECTION 120.050: MUNICIPAL JUDGE -- VACATION OF OFFICE

The Municipal Judge shall vacate his/her office under the following conditions:

1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12;
2. Upon attaining his/her seventy-fifth (75th) birthday; or
3. If he/she should lose his/her license to practice law within the State of Missouri.

SECTION 120.060: MUNICIPAL JUDGE -- QUALIFICATIONS FOR OFFICE

The Municipal Judge shall possess the following qualifications before he/she shall take office:

1. He/she must be a licensed attorney, qualified to practice law within the State of Missouri.
2. He/she must be a resident of the State of Missouri.
3. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
4. He/she may serve as a Municipal Judge for any other municipality.
5. He/she may not hold any other office within the City Government.
6. The Municipal Judge shall be considered holding a part-time position and as such may accept other employment.

SECTION 120.070: SUPERINTENDING AUTHORITY

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part and to the rules of the State Supreme Court. The Municipal Court shall be subject to the

general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of said Court shall obey his/her directives.

SECTION 120.080: REPORT TO BOARD OF ALDERMEN

The Municipal Judge shall cause the Court Clerk to prepare, within the first ten (10) days of every month, a report indicating the following:

A list of all cases heard or tried before the Judge during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of costs, the names of defendants committed, and the cases in which there was an application for trial de novo, respectively. The Court Clerk or the Judge shall verify such lists and statements by affidavit and shall file the same with the City Clerk, who shall lay the same before the Board of Aldermen of the City for examination at its first (1st) session thereafter. The Municipal Court shall, within the ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding month, if not previously paid to the Municipal Treasurer.

SECTION 120.090: DOCKET AND COURT RECORDS

The Municipal Judge shall be a conservator of the peace. He/she shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein and he/she shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of Webster County. The Municipal Judge shall deliver said docket, records and all books and papers pertaining to his/her office to his/her successor in office or to the Presiding Judge of the Circuit.

SECTION 120.100: MUNICIPAL JUDGE -- POWERS AND DUTIES GENERALLY

The Municipal Judge shall be and is hereby authorized to:

1. Establish a Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her, and may fine and imprison for contempt committed before him/her while holding Court in the same manner and to the same extent as a Circuit Judge.
3. Stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court, and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts.
5. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinances of this City.

SECTION 120.110: RESERVED

SECTION 120.120: VIOLATIONS BUREAU

Should the Municipal Judge determine that there shall be a Violations Bureau, the City shall provide all expenses incident to the operation of the same. The Court Clerk is hereby designated

as the Violations Clerk for said Bureau, if established, and may appoint or designate such persons as are necessary to conduct said office.

SECTION 120.130: ISSUANCE AND EXECUTION OF WARRANTS

All warrants issued by a Municipal Judge shall be directed to the Chief of Police or any other Police Officer of the municipality or to the Sheriff of the County. The warrants shall be executed by the Chief of Police, Police Officer or Sheriff at any place within the limits of the County and not elsewhere, unless the warrants are endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other counties, as provided for in warrants in criminal cases.

SECTION 120.140: ARRESTS WITHOUT WARRANTS

The Chief of Police, or other Police Officer of the City may, without a warrant, make arrest of any person who commits an offense in his/her presence, but such officer shall, before the trial, file a written complaint with the Judge hearing violations of municipal ordinances.

SECTION 120.150: JURY TRIALS

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury as in prosecutions for misdemeanors before an Associate Circuit Court Judge. Whenever a defendant accused of a violation of a municipal ordinance has a right to and demands such trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment.

SECTION 120.160: DUTIES OF THE CITY'S PROSECUTING ATTORNEY

It shall be the duty of an attorney designated by the City to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the number of cases tried, the number of guilty verdicts reached, or the amount of fines imposed or collected.

SECTION 120.170: SUMMONING OF WITNESSES

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Court Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge, it shall not be necessary to summon any witnesses who may be present at the continuance, but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him/her on the day set for trial to testify in the case and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons.

SECTION 120.180: TRANSFER OF COMPLAINT TO ASSOCIATE CIRCUIT JUDGE

If, in the progress of any trial before the Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further

proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit Court Judge of the County.

SECTION 120.190: JAILING OF DEFENDANTS

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to such Sheriff for the keeping of other prisoners in his/her custody. The same shall be taxed as cost.

SECTION 120.200: PAROLE AND PROBATION

- A. Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such Judge. When a person is placed on probation, he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.
- B. In addition to such other authority as exists to order conditions of probation, the Court may order conditions which the Court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:
 - 1. Restitution to the victim or any dependent of the victim in an amount to be determined by the Judge; and
 - 2. The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the Judge.
- C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization or agency or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.
- D. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

SECTION 120.210: RIGHT OF APPEAL

In any case tried before the Municipal Judge, except where there has been a plea of guilty or where the case has been tried with a jury, the defendant shall have a right of trial de novo before a Circuit Court Judge or upon assignment before an Associate Circuit Court Judge. An application for a trial de novo shall be filed within ten (10) days after judgment and shall be filed in such form and perfected in such manner as provided by Supreme Court rule.

SECTION 120.220: APPEAL FROM JURY VERDICTS

In any case tried with a jury before an Associate Circuit Judge, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellate Court.

SECTION 120.230: BREACH OF RECOGNIZANCE

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Court Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Court Judge or Associate Circuit Court Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to Municipal Treasury to the General Revenue Fund of the municipality.

SECTION 120.240: DISQUALIFICATION OF MUNICIPAL JUDGE FROM HEARING A PARTICULAR CASE

A Municipal Judge shall be disqualified to hear any case in which he/she is in any way interested or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) affidavit or disqualification in the same case.

SECTION 120.250: ABSENCE OF JUDGE -- PROCEDURE

- A. If a Municipal Judge be absent, sick or disqualified from acting, the Mayor of the Board of Aldermen may request the Presiding Judge of the Circuit Court to designate a special Municipal Judge as provided in Subsection (B) of this Section or the Mayor may designate some competent, eligible person to act as Municipal Judge until such absence or disqualification shall cease; provided however, that should a vacancy occur in the office of an elected Municipal Judge more than six (6) months before a general municipal election, then a special election shall be held to fill such vacancy; and in case of vacancy in the office of an elected Municipal Judge within less than six (6) months of a general municipal election, the office may be filled by a competent, eligible person designated by the Mayor of the Board of Aldermen or as provided in Subsection (B) of this Section.
- B. The Presiding Judge of the Circuit Court may appoint any other Municipal Judge within the Circuit to act as a special Municipal Judge for a Municipal Judge of the Circuit who is absent, sick or disqualified from acting. The Presiding Judge shall act only upon request of the Mayor of the Board of Aldermen for a special Municipal Judge.
- C. The Governing Body of the municipality shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section.

SECTION 120.260: FAILURE TO APPEAR IN MUNICIPAL COURT

- A. A person commits the offense of failure to appear in Municipal Court if:
 - 1. He/she has been issued a summons for a violation of any ordinance of the City of Marshfield and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 - 2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 - 3. He/she has been placed on Court supervised probation and fails to appear before the Judge of the Municipal Court at the time specified by said Judge as a condition of the probation.

- B. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.

SECTION 120.270: ADMINISTRATIVE SEARCH WARRANTS

A. *Search Warrant Defined--Who May Issue, Execute.*

1. An administrative search warrant is a written order of the Municipal Judge commanding the search or inspection of any property, place or thing, and the seizure, photographing, copying or recording of property or physical conditions found thereon or therein, to determine or prove the existence of violations of any ordinance or Code Section of the City relating to the use, condition or occupancy of property or structures located within the City, or to enforce the provisions of any such ordinance or Code Section.
2. The Municipal Judge having original and exclusive jurisdiction to determine violations against the ordinances of the municipality may issue an administrative search warrant when (i) the property or place to be searched or inspected or the thing to be seized is located within the City at the time of the making of the application and (ii) the owner or occupant of the property or place to be searched or inspected or the thing to be seized has refused to allow same after official request by the City.
3. Any such warrant shall be directed to the Police Chief or any other Police Officer of the City and shall be executed by the Police Chief or said Police Officer within the City limits and not elsewhere.

B. *Who May Apply For Warrant--Contents Of Application.*

1. Any Police Officer or an attorney of the City may make application to the Municipal Judge for the issuance of an administrative search warrant.
2. The application shall:
 - a. Be in writing;
 - b. State the time and date of the making of the application;
 - c. Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - d. State that the owner or occupant of the property or places to be entered, searched, inspected or seized has been requested by the City to allow such action and has refused to allow such action;
 - e. State facts sufficient to show probable cause for the issuance of a search warrant, as provided in Subsection (C)(1) hereof, to (i) search or inspect for violations of an ordinance or Code Section specified in the application or (ii) show that entry or seizure is authorized and necessary to enforce an ordinance or Code Section specified in the application and that any required due process has been afforded prior to the entry or seizure;
 - f. Be verified by the oath or affirmation of the applicant; and
 - g. Be signed by the applicant and filed by the Municipal Officer.
3. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony shall not be considered.

C. *Hearing And Procedure--Contents Of Warrant--Execution And Return.*

1. *Hearing and procedure.*
 - a. The Municipal Judge shall hold a non-adversary hearing to determine whether probable cause exists to inspect or search for violations of any City ordinance or Code Section, or to enforce any such ordinance or Code Section.

- b. In doing so the Municipal Judge shall determine whether the action to be taken by the City is reasonable in light of the facts stated. The Municipal Judge shall consider the goals of the ordinance or Code Section sought to be enforced and such other factors as may be appropriate, including but not limited to the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant City ordinance or Code Section and the passage of time since the property's last inspection. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a City ordinance or Code Section.
 - c. If it appears from the application and any supporting affidavit that there is probable cause to inspect or search for violations of any City ordinance or Code Section, or to enforce any such ordinance or Code Section, a search warrant shall immediately be issued.
 - d. The warrant shall issue in the form of an original and two (2) copies, and the application, any supporting affidavit and one (1) copy of the warrant as issued shall be retained in the records of the Municipal Officer.
2. *Contents of search warrant.* The search warrant shall:
- a. Be in writing and in the name of the City;
 - b. Be directed to any Police Officer in the City;
 - c. State the time and date the warrant was issued;
 - d. Identify the property or places to be searched, inspected or entered upon in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - e. Command that the described property or places be searched or entered upon, and that any evidence of any City ordinance violations found therein or thereon, or any property seized pursuant thereto, or a description of such property seized, be returned, within ten (10) days after filing of the application, to the Municipal Judge who issued the warrant, to be dealt with according to law;
 - f. Be signed by the Judge, with his/her title of office indicated.
3. *Execution and return.*
- a. A search warrant issued under this Section shall be executed only by a City Police Officer, provided however, that one (1) or more designated City Officials may accompany the officer, and the warrant shall be executed in the following manner:
 - (1) The warrant shall be executed by conducting the search, inspection, entry or seizure as commanded and shall be executed as soon as practicable and in a reasonable manner.
 - (2) The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant.
 - (3) *Itemized receipt--disposition of seized property.*
 - (a) If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place.
 - (b) A copy of the itemized receipt of any property taken shall be delivered to an attorney for the City within two (2) working days of the search.
 - (c) The disposition of property seized pursuant to a search warrant under this Section shall be in accordance with an applicable City ordinance or Code Section, but in the absence of same, then with Section 542.301 of the Revised Statutes of Missouri.
 - (4) The officer may summon as many persons as he/she deems necessary to assist him/her in executing the warrant, and such persons shall not be held liable as a result of any illegality of the search and seizure.

- (5) An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he/she would be justified in using if the warrant were valid.
 - (6) A search warrant shall expire if it is not executed and the required return made within ten (10) days after the date of the making of the application.
- b. *Return required after execution of search warrant.*
- (1) After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Municipal Officer.
 - (2) The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property or places searched or seized.
 - (3) The return shall be accompanied by any photographs, copies or recordings made, and by any property seized, along with a copy of the itemized receipt of such property required by this Section; provided however, that seized property may be disposed of as provided herein, and in such a case a description of the property seized shall accompany the return.
 - (4) The Court Clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property searched or seized.
- D. *Warrant Invalid, When.* A search warrant shall be deemed invalid:
1. If it was not issued by the Municipal Judge;
 2. If it was issued without a written application having been filed and verified;
 3. If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided in Subsection (C)(1)(b) hereof;
 4. If it was not issued with respect to property or places in the City;
 5. If it does not describe the property or places to be searched, inspected, entered upon or seized with sufficient certainty;
 6. If it is not signed by the Judge who issued it; or
 7. If it was not executed and the required return made within ten (10) days after the date of the making of the application.

ARTICLE II. COURT CLERK

SECTION 120.280: OFFICE ESTABLISHED

There is hereby established the office of Court Clerk for the City of Marshfield Municipal Division of the Webster County Circuit Court.

SECTION 120.290: DUTIES

The Court Clerk's duties shall include the following:

1. To prepare and maintain the Municipal Court docket;
2. To log and file all tickets, information, complaints, summonses, bonds, bond receipts and reports;
3. To prepare all warrants, REGIS sheets, summonses, bonds, bond forfeitures and notices pertaining to same;
4. To receipt and account for all bonds, fines, costs or other monies paid to the Municipal Court;
5. To deliver monies collected in Court to the City Collector for deposit into appropriate City accounts;
6. To maintain and respond to all correspondence directed to the Municipal Court;

7. To prepare and forward to the Director of Revenue all records of moving violations as required by law;
8. To report to City Collector each month on the amount of Crime Victims' Compensation (CVC) Fund and any other funds collected for distribution to parties or entities other than the City in association with Court proceedings;
9. To serve as the Violations Clerk for the Marshfield Municipal Division of the 30th Judicial Circuit Court and receive entries of appearance, waivers of appearance, pleas of guilty, and payments of fines and costs in accord with the laws of the State of Missouri and the rules of the Circuit Court for Webster County; and
10. To perform such other duties as may be directed by the Judge of the Municipal Division.

SECTION 120.300: BOND

Within fifteen (15) days after appointment, and before entering upon the discharge of the above-described duties of office, the Court Clerk shall give bond to the City in the sum of one hundred twenty thousand dollars (\$120,000.00) conditioned upon the faithful performance of said duties and the said Court Clerk will pay over all monies belonging to the City, as provided by law, that may come into the Court Clerk's hands.

ARTICLE III. FINES AND COURT COSTS

SECTION 120.310: INSTALLMENT PAYMENT OF FINE

When a fine is assessed for violation of an ordinance, it shall be within the discretion of the Judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he/she may deem appropriate.

SECTION 120.320: COURT COSTS

In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Marshfield Municipal Division of the 30th Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:

1. Costs of Court in the amount of twelve dollars (\$12.00).
2. *Police Officer training fee.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - a. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
 - b. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.
3. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:

- a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.
 - b. Five percent (5%) shall be paid to the City Treasury.
4. Other costs, such as for the issuance of a warrant, a commitment, or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
5. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail.
6. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.
7. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Subsection (9) hereof.
8. *Reimbursement of certain costs of arrest.*
 - a. Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the City of Marshfield involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
 - b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
 - c. The Chief of Police shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
 - d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.
9. *Work/Construction Zone.* Any person who is convicted or pleads guilty to a speeding violation or passing/overtaking a vehicle in a work/construction zone when there was any person present performing duties in the work/construction zone and appropriate signs were posted stating "Warning: \$250 fine for speeding or passing in this work zone" shall be assessed a fine of two hundred fifty dollars (\$250.00) in addition to any other fine assessed; except that any person assessed the two hundred fifty dollar (\$250.00) fine shall not also be assessed the thirty-five dollar (\$35.00) fine for any of the following offenses in a construction or work zone: any moving violation or violation of speeding, leaving the scene, careless and imprudent driving, operating without a valid license, operating with a suspended or revoked license, obtaining a license by misrepresentation, driving while intoxicated, under the influence or BAC, any felony offense involving the use of a vehicle, or failure to maintain financial responsibility.
10. *Shelter for victims of domestic violence.* In addition to any fine or other costs that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases for violations of ordinances of the City of Marshfield, Missouri, the sum of two dollars (\$2.00) for area domestic violence shelters. This fee shall be transmitted monthly to the

Treasurer of the City of Marshfield, Missouri.

11. In addition to any cost which may be assessed by the municipal division pursuant to statute, ordinance or court rule, in every proceeding filed in the municipal division of violation of an ordinance, a surcharge of seven dollars (\$7.00) shall be assessed. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in Violations Bureau. No such surcharge shall be collected when the preceding or defendant has been dismissed by the court, when costs are waived, or when costs are paid by the City. Such surcharge shall be collected by the Municipal Court and transmitted monthly to the Missouri Director of Revenue to the credit of the Missouri Statewide Court Automation Fund as provided in Section 488.012.3(5) and Section 488.027.2, RSMo. (Ord. No. 1055 §1, 1-22-04; Ord. No. 1353 §II, 10-23-08)

SECTION 120.330: ADDITIONAL COURT COSTS

- A. Pursuant to the authority granted in, and subject to the provisions contained in, Senate Bill 869 as duly enacted by the 88th General Assembly of the Missouri Legislature and signed into law by the Governor of the State of Missouri, the Municipal Court of the City shall be authorized to, and shall, assess and collect a surcharge of ten dollars (\$10.00) as costs in each such case, except as provided in Subsection (B) of this Section.
- B. Notwithstanding the provisions of Subsection (A) hereof, no such surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the Court or when costs are to be paid by the City.
- C. The Clerk of the Municipal Court shall remit all costs collected pursuant to the provisions of this Section to the County Treasurer of Webster County, Missouri, in the manner provided by Section 514.015, RSMo., for credit to the "Thirtieth Circuit Juvenile Detention Center Fund". (Ord. No. 779 §§1--3, 8-8-96)

Editor's Note--Ord. no. 779, adopted 8-8-96, shall be in full force and effect as of August 28, 1996, and shall expire, and be of no further force and effect, on and after January 1, 2005.

CHAPTER 125: CEMETERY BOARD

SECTION 125.010: ESTABLISHMENT

There is hereby established a Board, to be known as the Cemetery Board, which shall have the duty and responsibility of supervising and controlling the City Cemetery and all additions thereto subject to the rules and regulations set forth by this Chapter and any and all other ordinances hereafter passed by the Board of Aldermen of the City of Marshfield. (Ord. No. 27 §8, 5-13-52)

SECTION 125.020: BOARD TO REPORT ANNUALLY

It shall be the duty and responsibility of said Cemetery Board to report annually at the regular meeting in May to the Board of Aldermen the general condition of said Cemetery and to make recommendations to said Board of Aldermen as to any action which should be taken to better promote the general welfare of said Cemetery. (Ord. No. 27 §9, 5-13-52)

SECTION 125.030: COMPOSITION OF BOARD

Said Cemetery Board shall be composed of six (6) members, each of whom shall be a taxpaying

citizen of the City of Marshfield, to be appointed by the Mayor, subject to the approval of the Board of Aldermen. Three (3) members of said Cemetery Board shall be appointed at the regular meeting in May of each year and shall serve for a period of two (2) years. The Board shall annually elect one (1) of its members as Chairman and one (1) of its members as Vice Chairman. No Chairman or Vice Chairman shall serve for more than two (2) consecutive terms. (Ord. No. 27 §10, 5-13-52; Ord. No. 1147 §1, 6-23-05)

SECTION 125.040: SUPERINTENDENT OF CEMETERY

The Cemetery Board is hereby authorized and empowered, subject to the approval of the Board of Aldermen, to employ at such salary as to the Cemetery Board may seem reasonable and proper a Superintendent of said cemetery who shall have direct charge of the cemetery grounds under the direction and control of said Cemetery Board. (Ord. No. 27 §11, 5-13-52)

SECTION 125.050: SUPERINTENDENT -- POWERS AND DUTIES

The Cemetery Superintendent is hereby authorized and empowered to care for and protect the cemetery grounds and their appurtenances, to enforce the rules and regulations properly made for the governing of said cemetery, to attend to repairs and construction of improvements and the maintenance of all permanent improvements and embellishments of any kind which tend to beautify said cemetery or preserve it permanently as a place of burial for the human dead, to maintain order in said cemetery, to supervise and oversee all workman, visitors and drivers, to expel those who disregard his orders, to inspect all materials sought to be taken into said cemetery and to refuse entrance thereof when necessary and to require the prompt removal of all trash and building materials as soon as the buildings or work for which the material is used are completed. In addition, he/she shall possess such further authority and power as may at any time hereafter be conferred upon him/her by ordinance. (Ord. No. 27 §12, 5-13-52)

SECTION 125.060: RULES AND REGULATIONS

In addition to all other rules and regulations, the City Cemetery and all additions thereto shall be governed by the following rules and regulations, to-wit:

1. All lots in the City Cemetery and all additions thereto shall be held and used in accordance with such rules and regulations as may by ordinance of the Board of Aldermen of the City of Marshfield be provided, whether now in force or hereinafter enacted, and such rules and regulations as may now or hereinafter be provided by the Cemetery Board; and all owners of lots and their heirs shall be under and subject to the provisions of the constitution and laws of the State of Missouri.
2. No lot, or part of lot, shall be used for any purpose other than the burial of the human dead with all graves running East and West and with the head of all graves at the West.
3. No transfer or assignment of any lot or any part thereof, of any interest therein, by any lot owner, shall be valid without the written consent of the Mayor and City Clerk first obtained and endorsed upon the instrument evidencing such transfer or assignment and such assignment or transfer entered on the cemetery record in the office of the City Clerk.
4. No fencing, railing, curbing or material of whatsoever kind or nature shall be placed on any lot, or part of lot, for the purpose of defining the boundaries thereof or for any other purpose and no seat, vase, wire work, rock work, or other architectural object of any kind or nature shall be allowed on or about any lot, or part of lot, except as provided in the rules and regulations governing the cemetery.
5. No trees, shrubs, plants, vines or flowers of any kind shall be placed upon any lot or grave; except, however, that the placing of cut flowers on graves shall be permitted.

6. Mounds over graves shall not be permitted or allowed but all graves shall be level with the established grade.
7. No lot shall be filled above the established grade.
8. The right is reserved in the sale of any lot, or part of lot, to remove therefrom anything which in the opinion of the Cemetery Board conflicts with these rules and regulations.
9. One (1) marker, monument or tombstone shall be permitted for each grave and if one (1) marker or monument is used to mark or designate more than one (1) grave, it shall be centered so as to add to the beauty and conform to the general plan for said cemetery. All markers or monuments shall be installed under the general supervision of the Superintendent of the cemetery and shall be set only with permission of the Superintendent.
10. All markers, monuments or tombstones shall be set on concrete foundations or bases which shall extend at least eighteen (18) inches below the surface of the ground and shall not extend above the surface of the ground. Such foundations or bases shall be at least four (4) inches wider on all sides than the monument, tombstone or marker which is to be placed on said foundation or base.
11. The digging of all graves shall be done by the Cemetery Superintendent or under his/her direct supervision and with his/her consent. Prices to be charged by the Superintendent for the digging of graves shall be set by the Cemetery Board and furnished to the Superintendent.
Also, prices to be charged by the Superintendent for the opening of graves, or the doing of any other work in connection therewith shall be set from time to time by the Cemetery Board.
12. All interments and funeral processions shall be kept on the established driveways and all persons present during any funeral shall conduct themselves properly and in accordance with all rules and regulations made for the governing of said cemetery.
13. No chat, gravel or sand shall be used to fill or cover any lot in the cemetery except under the direction and control of the Superintendent.
14. The duly appointed Cemetery Board may from time to time make any further or additional rules and regulations for the management, improvement, regulation, protection and government of the City Cemetery and additions thereto which are not inconsistent with any ordinance of the Board of Aldermen of the City of Marshfield, and all rules and regulations so made by the said Cemetery Board shall have the same force and effect as though passed by ordinance of the Board of Aldermen.
15. All lots must be paid for in advance of their use, or a valid contract entered into for their purchase, and satisfactory arrangements must be made with the Superintendent for the payment of all other charges before use of the lots. The cost of a lot in a cemetery to a resident of the City of Marshfield, Missouri, is one hundred fifty dollars (\$150.00); the cost of a lot to a non-resident of the City of Marshfield, Missouri, is three hundred fifty dollars (\$350.00).
16. Visitors are welcome in the cemetery, but everyone is reminded that the cemetery grounds are sacred and that a strict observance of proper decorum will be required of all. The City Cemetery will be open to visitors from 6:00 A.M. to 6:00 P.M. during those times of the year when central standard time is followed, and will be open to visitors from 6:00 A.M. to 8:30 P.M. during those times of the year when central daylight time is followed.
17. Any person, firm, corporation or association who shall violate any of the rules or regulations of either the Board of Aldermen or the Cemetery Board which may now or hereinafter be in force shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

18. All grave opening and grave digging, delivering and installing of burial vaults, and delivering and installing of monuments and grave markers shall be done under the direct supervision of the Superintendent, who shall specify and ensure that the cemetery grounds are not damaged. During periods of wet weather the Superintendent shall specify the precautions to be taken to prevent damage to cemetery grounds.
19. No person, firm, partnership or corporation shall be allowed to dig graves, deliver and install burial vaults, or deliver and install monuments or grave markers in the City Cemetery until said person, firm, partnership or corporation has filed with the City Clerk of the City of Marshfield, a certificate of insurance showing that said person, firm, partnership or corporation has liability insurance in an amount not less than fifteen thousand dollars (\$15,000.00) covering all damage to persons and property in said City Cemetery by said person, firm, partnership or corporation. Any person, firm, partnership or corporation digging graves, delivering and/or installing burial vaults, delivering and/or installing monuments or grave markers in the City Cemetery will be responsible for and shall immediately pay for all damages done to the City Cemetery grounds, roadways, grave markers and other property located in the City Cemetery.
20. All new grave markers located in the new area of the City Cemetery shall be installed and placed in such a way that the highest point on said grave marker, monument or tombstone, shall be level with the ground. The Superintendent of the City Cemetery shall designate on a map of the City Cemetery the "new area" of the City Cemetery where this regulation applies, and a copy of the map of the City Cemetery designating said "new area" shall be delivered to the purchaser of each lot or part of a lot.
21. A concrete box or vault is required to place the casket in.
22. No funerals to be conducted on any legal holiday.
23. No funerals allowed after 4:30 P.M.
24. No funerals to be conducted on Sundays.
25. There shall be no dogs, except for service dogs, allowed in the City Cemetery. (Ord. No. 27 §13, 5-13-52; Ord. No. 486 §1, 6-27-85; Ord. No. 695 §§1--2, 5-26-94; Ord. No. 1218 §1, 6-22-06; Ord. No. 1242 §1, 12-14-06; Ord. No. 1243 §1, 12-14-06; Ord. No. 1244 §1, 12-14-06; Ord. No. 1250 §1, 1-11-07)

SECTION 125.070: REGULATIONS TO BE DELIVERED TO PURCHASER

The foregoing rules and regulations consisting of Section 125.060 of this Chapter shall be caused to be published and delivered to the purchaser of each lot or part of lot. (Ord. No. 27 §14, 5-13-52)

CHAPTER 126: TREE CITY ADVISORY COMMITTEE

SECTION 126.010: DEFINITIONS

As used in this Chapter, the following terms shall have these prescribed meanings:

PARK TREES: Trees, shrubs, bushes and all other woody vegetation in public parks.

PRIVATE COMMUNITY FOREST: All trees within municipal boundaries but not owned by the City.

PUBLIC COMMUNITY FOREST: All street and park trees and other trees owned by the City as a total resource.

STREET TREES: Trees, shrubs, bushes and all other woody vegetation on dedicated City right-of-way on either side of all streets and avenues within the City.

TREE CITY ADVISORY COMMITTEE CHAIRMAN: The representative of the Tree City Advisory Committee and as such is responsible for administration of the community forestry program. This member shall make reports to the Mayor or Board of Aldermen. (Ord. No. 1080 §1, 6-24-04)

SECTION 126.020: PURPOSE

- A. It is the purpose of this Chapter to promote and protect the public health, safety and general welfare by providing for the regulation of planting, maintenance and removal of trees, shrubs and other plants within the City of Marshfield, Missouri. All funds collected by the Tree City Advisory Committee will be utilized for the purpose of this Tree City Advisory Committee. It is also to advise the City of the management of the Marshfield community forest in a strong, healthy condition for today and the future of Marshfield.
- B. *Intent.* It is the intent of the Board of Aldermen of the City of Marshfield that the terms of this Chapter shall be construed so as to promote the planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the public community forest. The protection of community residents from personal injury and property damage and the protection of the City of Marshfield from property damage caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants located within the public community forest. (Ord. No. 1080 §2, 6-24-04)

SECTION 126.030: CREATION AND ESTABLISHMENT OF A TREE CITY ADVISORY COMMITTEE

There is hereby created and established a Tree City Advisory Committee for the City of Marshfield, Missouri, which shall consist of nine (9) members, citizens and residents of this City, who shall be appointed by the Mayor with the approval of the Board of Aldermen along with a representative from the Conservation Department as an ex officio member. Also appointed shall be a representative of the Board of Aldermen. (Ord. No. 1080 §3, 6-24-04)

SECTION 126.040: TERM OF OFFICE

The nine (9) members, City representative and a representative from the Conservation Department shall be appointed annually by the Mayor with approval of the Board of Aldermen. The term of the nine (9) citizens to be appointed by the Mayor shall be three (3) years. Initially, six (6) members shall rotate with one (1) and two (2) year terms and three (3) members at three (3) year terms. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed to complete the remaining unfinished term. (Ord. No. 1080 §4, 6-24-04)

SECTION 126.050: COMPENSATION

The Tree City Advisory Committee shall serve without compensation. (Ord. No. 1080 §5, 6-24-04)

SECTION 126.060: DUTIES AND RESPONSIBILITIES

- A. It shall be the responsibility of the Tree City Advisory Committee to study, investigate, counsel and develop and/or update annually and administer written plans (annual and long range) for the care, replacement, maintenance and removal or disposition of the public community forest. Such a plan will be presented annually to the Mayor and Board of Aldermen and, upon their

acceptance and approval, shall constitute the official comprehensive City tree plan for the City of Marshfield, Missouri.

- B. The Tree City Advisory Committee, when requested by the Board of Aldermen, shall consider, investigate, make funding, report and recommend upon any special matter or question relating to trees. (Ord. No. 1080 §6, 6-24-04)

SECTION 126.070: OPERATION

The Tree City Advisory Committee shall annually elect one (1) Chairman, one (1) Vice Chairman, one (1) Secretary, one (1) Treasurer and one (1) Education Chairman who shall serve for a term of one (1) year. No Chairman or Vice Chairman shall serve for more than two (2) consecutive years. The Committee shall keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. A copy of all minutes shall be submitted to the City Clerk within a reasonable period of time. (Ord. No. 1080 §7, 6-24-04; Ord. No. 1149 §1, 6-23-05)

SECTION 126.080: STREET TREES SPECIES TO BE PLANTED

The Tree City Advisory Committee shall create and maintain an extensive list of recommended trees for planting in public areas for the City of Marshfield, Missouri. The purpose of this listing will be to maintain diversity in the total tree population. This list shall be available to residents of the City upon request to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically by the Tree City Committee to reflect new developments or species that will affect the population of the public community forest. A current list shall be available at Marshfield City Hall. (Ord. No. 1080 §8, 6-24-04)

SECTION 126.090: DISTANCES AND CLEARANCES FOR PLANTING

- A. Street trees may be planted in the tree lawn where there is no less than nine (9) feet between the edge of the sidewalk and the curbs or curb lines of the street. Street trees shall be planted no closer than three (3) feet from a sidewalk, driveway or street.
- B. No street tree shall be planted closer than thirty (30) feet from any street corner measured from the point of the nearest intersection of curbs or curb lines or within twenty (20) feet from a stop sign.
- C. No street tree shall be planted closer than ten (10) feet from any fire hydrant.
- D. Any person planting a street tree shall take appropriate action to ensure that such planting will not interfere with, damage or destroy underground utilities and will not interfere with regular maintenance, repair, etc., of underground and overhead utilities.
- E. Street trees considered for planting within ten (10) feet of any point on a line on the ground immediately below any overhead utility wire shall be trees that reach a maturity height of less than twenty (20) feet as specified in the recommended tree list. (Ord. No. 1080 §9, 6-24-04)

SECTION 126.100: PUBLIC TREE CARE

- A. The City may plant, prune, maintain and remove trees, plants and shrubs within the public community forest. All tree pruning and removal will be done in accordance with the most current ANSI A300 Tree Shrub and Other Woody Plant Maintenance--Standard Practices.
- B. The City may remove or cause or order to be removed any portion of the public community forest which is in an unsafe condition or which by reason of its nature is injurious to electric power lines or other public improvements or is seriously affected with any fatal disease in accordance with the most current ANSI A300 Tree Shrub and Other Woody Plant Maintenance--

Standard Practices. (Ord. No. 1080 §10, 6-24-04)

SECTION 126.110: DAMAGE TO TREES OR SHRUBS PROHIBITED

Any person who shall cut, deface, damage, drive nails or nail signs onto or in any manner damage or interfere with the grown in the public community forest shall be punished according to Section 126.170. (Ord. No. 1080 §11, 6-24-04)

SECTION 126.120: COMPENSATORY PAYMENTS

Unless otherwise justified by this Chapter, no person or persons shall remove any tree from the public community forest without obtaining permission from the City of Marshfield to replace such tree or trees in the vicinity of the removed tree. The selection of trees shall be determined by the Tree City Advisory Committee in accordance with regulations considering the species, location, size and condition of trees adopted by the Tree City Advisory Committee. In the event the removed tree or trees cannot or are not replaced, the Tree City Advisory Committee shall determine compensatory payment to be made by the person or persons removing such tree or trees with appeals to be made to the Board of Aldermen. Such compensatory payment shall be paid to a fund established by the City and used solely for the purpose of enhancing the community forest. (Ord. No. 1080 §12, 6-24-04)

SECTION 126.130: TREE TOPPING

It shall be unlawful as a normal practice for any person, firm or City department to top any street tree, park tree or other tree on public property. "*Topping, rounding off or pollarding*" is defined as the systematic cutting back of limbs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section. (Ord. No. 1080 §13, 6-24-04)

SECTION 126.140: CLEARANCE OVER STREET AND WALKWAYS

Clearance over streets and walkways shall be the responsibility of the abutting property owner. A clearance of eight (8) feet must be maintained over walkways and a clearance of sixteen (16) feet must be maintained over streets and alleys. (Ord. No. 1080 §14, 6-24-04)

SECTION 126.150: DEAD OR HAZARD TREE REMOVAL

The City shall have the right to cause to be removed any public tree within the City that is dead or has been declared hazardous. "*Hazard trees*" are defined as trees with severe structural defects. (Ord. No. 1080 §15, 6-24-04)

SECTION 126.160: INTERFERENCE WITH THE TREE CITY ADVISORY COMMITTEE

It shall be unlawful for any person to prevent, delay or interfere with the City of Marshfield or any of its representatives or agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees within the public community forest. (Ord. No. 1080 §16, 6-24-04)

SECTION 126.170: PENALTY

Any person, firm or corporation violating any provision or fails to comply with any notice issued pursuant to the provisions of this Chapter shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. No. 1080 §17, 6-24-04)

CHAPTER 130: EMERGENCY MANAGEMENT

SECTION 130.010: ESTABLISHMENT

There is hereby created within and for the City of Marshfield an emergency management organization to be known as the Marshfield Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

SECTION 130.020: ORGANIZATION

This agency shall consist of a Director and other members appointed by the Marshfield Emergency Management Organization to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

SECTION 130.030: FUNCTIONS

The organization shall perform emergency management functions within the City of Marshfield and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

SECTION 130.040: DIRECTOR

- A. The Director will be appointed by the Mayor and shall serve at the pleasure of the Mayor.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Mayor or Board of Aldermen.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Marshfield Emergency Management Organization.

SECTION 130.050: SCOPE OF OPERATION

The City of Marshfield in accordance with Chapter 44, RSMo., may:

- 1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and

State Governments.

2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation.

SECTION 130.060: MUTUAL-AID AGREEMENTS

The Mayor of the City, with the approval of the Governor and consistent with the Missouri Emergency Operations Plan and the provisions of Section 70.837, RSMo., and Section 320.090, RSMo., may enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid. The Director may assist in the negotiation of such reciprocal mutual-aid agreements.

SECTION 130.070: CITY MAY ACCEPT SERVICES, ETC.

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer.

SECTION 130.080: OATH

No person shall be employed or associated in any capacity in the Marshfield Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Marshfield Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such a time as I am a member of the Marshfield Emergency Management Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

SECTION 130.090: OFFICE SPACE

The Mayor is authorized to designate space in any City-owned or leased building for the Marshfield Emergency Management Organization.

CHAPTER 135: OPEN MEETINGS AND RECORDS POLICY

ARTICLE I. IN GENERAL

SECTION 135.010: DEFINITIONS

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE: Any meeting, record or vote closed to the public.

COPYING: If requested by a member of the public, copies provided in accord with the cost schedule established by this Article, if duplication equipment is available.

PUBLIC BUSINESS: All matters which relate in any way to performance of the City's functions or the conduct of its business.

PUBLIC GOVERNMENTAL BODY: Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity, or by executive order, including:

1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.
2. Any department or division of the City.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "*quasi-public governmental body*" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 - b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity to confer or otherwise advance through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record, or vote relates to such appropriation.

PUBLIC MEETING: Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided, or public policy formulated, whether corporeal or by means of communication equipment. The term "*public meeting*" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

PUBLIC RECORD: Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds. The term "*public record*" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting.

PUBLIC VOTE: Any vote cast at any public meeting of any public governmental body.

SECTION 135.020: MEETINGS, RECORDS AND VOTES TO BE PUBLIC -- EXCEPTIONS

All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo., however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy-two (72) hours after execution of the lease, purchase or sale of the real estate.
3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subsection, the term "*personal information*" means information relating to the performance or merit of individual employees.
4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially

- approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
 11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
 12. Records which are protected from disclosure by law.
 13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
 14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
 15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product.
 16. A municipal utility receiving a public records request for information about existing or proposed security systems and structural plans of real property owned or leased by the municipal utility, the public disclosure of which would threaten public safety, shall within three (3) business days act upon such public records request, pursuant to Section 610.023, RSMo. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this Section.
 17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, the public disclosure of which would threaten public safety. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this Section. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2006.
 18. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network, of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network, shall be open except to the extent provided in this Section; and
 19. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

SECTION 135.030: RECORDS PERTAINING TO INTERNAL INVESTIGATIONS AND INVESTIGATIONS OF ALLEGEDLY ILLEGAL CONDUCT

In order to allow the fullest cooperation by employees and members of the public in investigation of matters wherein an employee of the City is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by City employees will be considered to be personnel records and shall be closed records under the custody of the respective department head.

SECTION 135.040: RECORDS PERTAINING TO MEDICAL CONDITION OR HISTORY

All information obtained by the City regarding medical examinations, medical condition or medical history of City employees or job applicants, if retained by the City, shall be collected and maintained on separate forms and in separate medical files and shall be treated as closed and confidential records, except that:

1. Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;
2. First aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or
3. Government officials investigating compliance with State or Federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

SECTION 135.050: RECORDS CONTAINING CONFIDENTIAL, PROPRIETARY OR PRIVATE INFORMATION

- A. In order to protect reasonable expectations of privacy on the part of persons having dealings with the City, City records containing information or entries of a personal, confidential, private or proprietary nature including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the City by one complying with regulations requiring the disclosure of such information, shall be excised from copies of City records disclosed or provided to members of the public other than those persons to whom the information of entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the City Clerk for disclosure of material to be specified in the request, which request should state:
1. Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and
 2. All reasons why the requesting party believes disclosure by the City of the specified information is in the public interest.
- B. The City Clerk may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the City Clerk may conduct a hearing at which all interested parties may be heard. At such hearing the Clerk shall consider, among such other factors as may be reasonable and relevant:
1. The requirements and intent of State law, City ordinances and this policy;
 2. The legitimate expectations of privacy on the part of interested parties;
 3. The personal, confidential, private or proprietary nature of the information at issue;
 4. Whether the information was obtained by the City under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and

5. The public purposes to be served by disclosure of the requested information. If the City Clerk determines that disclosure is legally required or would otherwise serve the best interests of the public and that such requirements or purpose outweigh the legitimate concerns or interest of the persons to whom the information pertains, the Clerk shall provide the requested information to the requesting party.

- C. In addition to or in lieu of the hearing described above, the City Clerk may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure. The City Clerk may also utilize the procedures for judicial determination and/or opinion solicitation provided in Section 135.120.

SECTION 135.060: NOTICES OF MEETINGS

- A. All public governmental bodies shall give notice of the time, date and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on the appropriate bulletin board at the City Hall.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 135.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- D. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

SECTION 135.070: CLOSED MEETINGS -- HOW HELD

- A. Except as set forth in Subsection (C) of Section 135.060, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 135.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote. Public governmental bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

SECTION 135.080: JOURNALS OF MEETINGS AND RECORDS OF VOTING

- A. Except as provided in Section 135.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.
- B. A journal or minutes of open meetings shall be taken and retained by the public governmental body including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent, and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

SECTION 135.090: ACCESSIBILITY OF MEETINGS

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. At any public meeting conducted by telephone or other electronic means, the public shall be allowed to observe and attend the public meeting at a designated location identified in the notice of the meeting. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

SECTION 135.100: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 135.110: CUSTODIAN DESIGNATED -- RESPONSE TO REQUEST FOR ACCESS TO RECORDS

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. The custodian shall provide public access to all public records as soon as possible but no later than the end of the third (3rd) business day following the date the request is received by the custodian. If additional delay is necessary, the custodian shall give an explanation for the delay and the place and the earliest time and date the record will be available for inspection.
- C. If a request for access is denied, the custodian shall provide, upon request, a written statement of

the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.

SECTION 135.120: PROCEDURES FOR RESOLVING QUESTIONS OF PUBLIC ACCESSIBILITY

A public governmental body or record custodian in doubt about the legality of closing a particular meeting, record or vote may, subject to approval by the Board of Aldermen, bring suit at the expense of the public governmental body in the Circuit Court for the County of Webster to ascertain the propriety of such action. In addition, subject to approval by the Board of Aldermen, the public governmental body or custodian may seek a formal opinion of the Attorney General or an attorney for the City regarding the propriety of such action. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable time pending the outcome of the actions so taken.

SECTION 135.130: FEES

The custodian shall charge twenty-five cents (\$.25) per page for duplication costs and twenty dollars (\$20.00) per hour for document search; provided however, that the fee for copies of bond receipts and other bond documents of the Marshfield Municipal Court and/or Marshfield Police Department shall be one dollar (\$1.00) for each page per request and no hourly charge for document search shall be levied for such documents. Said fees for copying public records shall not exceed the actual cost of document search and duplication. Upon request, the public governmental body shall certify in writing that the actual cost of document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body. The custodian may require payment prior to duplicating any documents.

ARTICLE II. LAW ENFORCEMENT ARREST REPORTS AND RECORDS, INCIDENT REPORTS, ETC.

SECTION 135.140: DEFINITIONS

As used in this Article, the following terms shall have the following definitions:

ARREST: An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

ARREST REPORT: A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

INACTIVE: An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.
2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten (10) years after the commission of the offense, whichever date earliest occurs.
3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

INCIDENT REPORT: A record of a law enforcement agency consisting of the date, time, specific location, name of the victim, and immediate facts and circumstances surrounding the

initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

INVESTIGATIVE REPORT: A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency inquiring into a crime or suspected crime either in response to an incident report or in response to evidence developed by Law Enforcement Officers in the course of their duties.

SECTION 135.150: POLICE DEPARTMENT RECORDS

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed except as provided in Section 135.170.
- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section or Section 135.170 for purposes of investigation of any civil claim or defense, as provided by this Subsection. Any individual, his/her attorney or insurer involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.
- D. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

SECTION 135.160: EFFECT OF NOLLE PROS, DISMISSAL AND SUSPENDED IMPOSITION OF SENTENCE ON RECORDS

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated, except as provided in Section 135.170 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be

accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 135.170.

SECTION 135.170: PUBLIC ACCESS OF CLOSED ARREST RECORDS

- A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. They shall be available to the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices and only to courts, law enforcement agencies, child care agencies, Department of Revenue for driving record purposes, facilities as defined in Section 198.006, RSMo., in-home services provider agencies as defined in Section 660.250, RSMo., the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo., and Federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to Federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.
- B. As used in this Section, the term "*child care*" includes providers and youth services agencies as those terms are defined in Section 43.540, RSMo., elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

SECTION 135.180: "911" TELEPHONE REPORTS

Excepted as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location, and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 135.150. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

SECTION 135.190: DAILY LOG OR RECORD MAINTAINED BY POLICE DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS -- PUBLIC ACCESS TO CERTAIN INFORMATION

- A. Except as provided in Subsection (B) of this Section, the City of Marshfield Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information for inspection and copying by the public:

1. The time, substance, and location of all complaints or requests for assistance received by the Police Department;
 2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
 3. If the incident involves an alleged offense or infraction:
 - a. The time, date, and location of occurrence;
 - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
 - c. The factual circumstances surrounding the incident; and
 - d. A general description of any injuries, property or weapons involved.
- B. The Police Department, having custody of an accident report or incident report, as defined in Section 135.140, shall not release for sixty (60) days after the date of the accident or incident the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of Subdivision (3) of Subsection (A) of this Section to a person that is not an interested party. For the purposes of this Subsection, an "*interested party*" is any law enforcement agency, any person who was involved in the accident or incident, the Street Department of the jurisdiction involved, the owner of any vehicle involved in the accident or incident, the insurance company, physician or family member of any person involved in the accident or incident, or any attorney, or any member of the news media.

CHAPTER 140: TAXATION AND FINANCE

ARTICLE I. FISCAL YEAR

SECTION 140.010: FISCAL YEAR ESTABLISHED

The fiscal year for the City of Marshfield shall begin January first (1st) of each year and all City budgets, audits and other statutory requirements shall be prepared on a January first (1st) to December thirty-first (31st) fiscal year and all required matters concerning same be required to use such dates for those statutory and other necessary purposes.

ARTICLE II. BUDGET

SECTION 140.020: BUDGET REQUIRED -- CONTENTS -- EXPENDITURES NOT TO EXCEED REVENUES

- A. Prior to the commencement of each fiscal year, a budget for the City shall be prepared and the same will be presented to and approved by the Board of Aldermen.
- B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:
 1. A budget message describing the important features of the budget and major changes from the preceding year;
 2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;
 3. Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated

expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;

4. The amount required for the payment of interest, amortization, and redemption charges on the debt of the City; and
5. A general budget summary.

C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided, that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.

SECTION 140.030: BUDGET OFFICER

- A. The budget shall be prepared under the direction of a Budget Officer. Except as otherwise provided by law or ordinance, the Budget Officer shall be designated by the Board of Aldermen of the City. All officers and employees shall cooperate with and provide to the Budget Officer such information and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as defined herein.
- B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the City, to the Board of Aldermen. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget.

SECTION 140.040: BOARD OF ALDERMEN MAY REVISE BUDGET, LIMITS -- APPROVAL

The Board of Aldermen may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law; provided, that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law, the Board of Aldermen shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget.

SECTION 140.050: INCREASE OF EXPENDITURE OVER BUDGETED AMOUNT TO BE MADE ONLY ON FORMAL RESOLUTION

After the City has approved the budget for any year and has approved or adopted the orders, motions, resolutions or ordinances required to authorize the expenditures proposed in the budget, the City shall not increase the total amount authorized for expenditure from any fund, unless the Board of Aldermen adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures.

ARTICLE III. LEVY OF TAXES

SECTION 140.060: BOARD TO PROVIDE FOR LEVY AND COLLECTION OF TAXES -- FIX PENALTIES

The Board of Aldermen shall, from time to time, provide by ordinance for the levy and collection of all taxes, licenses, wharfage and other duties not herein enumerated and, for neglect or refusal to pay the same, shall fix such penalties as are now or may hereafter be authorized by law or ordinance.

SECTION 140.070: BOARD TO FIX RATE OF LEVY

The Board of Aldermen shall, within a reasonable time after the Assessor's books of each year are returned, ascertain the amount of money to be raised thereon for general and other purposes and fix the annual rate of levy therefor by ordinance.

SECTION 140.080: ASSESSMENT -- METHOD OF

In the absence of a City Assessor, and until such City Assessor is duly appointed and qualified, it shall be the duty of the Mayor of the City to procure from the County Clerk of Webster County, Missouri, on or before the first (1st) day of October of each year a certified abstract from his/her assessment books of all property within the corporate limits of the City made taxable by law for State purposes and the assessed valuation thereof as agreed upon by the Board of Equalization, which abstract shall be immediately transmitted to the Board of Aldermen, and it shall be the duty of the Board of Aldermen to establish by ordinance the rate of taxes for the year.

SECTION 140.090: CLERK TO PREPARE TAX BOOKS

When the Board of Aldermen shall have fixed the rate of taxation for any given year, it shall be the duty of the City Clerk to cause to be prepared appropriate and accurate tax books and shall therein set out in suitable columns, opposite the name of each person and the item of taxable property, as returned by the Assessor and Board of Equalization, the amount of taxes, whether general or special, due thereon; and shall charge the City Collector with the full amount of taxes levied and to be collected.

SECTION 140.100: TAXES DELINQUENT -- WHEN

On the first (1st) day of January of each year, all unpaid City taxes shall become delinquent and the taxes on real estate are hereby made a lien thereon; and all such delinquent taxes shall bear interest thereon at the rate of two percent (2%) per month from the time they become delinquent, not to exceed eighteen percent (18%) per year, until paid; and shall also be subject to the same fees, penalties, commissions and charges as provided by law of the State of Missouri for delinquent State and County taxes, and shall be collected from the property owners, and the enforcement of all taxes, penalties, fees, commissions and charges authorized by law and provided for herein to be paid by property owners shall be made in the same manner and under the same rules and regulations as are or may be provided by law for the collection and enforcement of the payment of State and County taxes, including fees, penalties, commissions and other charges.

ARTICLE IV. SALES TAX

SECTION 140.110: CITY SALES TAX

Pursuant to the authority granted by and subject to the provisions of Sections 94.500 to 94.570, RSMo., a tax for general revenue purposes is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 to 144.525, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of the tax shall be one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Marshfield, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.525, RSMo. The tax shall become effective as provided in Subsection (4) of Section 94.510, RSMo., and shall be collected pursuant to the provisions of Sections 94.500 to 94.570, RSMo. (Ord. No. 345 §1, 2-9-78)

SECTION 140.120: CAPITAL IMPROVEMENTS TAX

A City sales tax for capital improvements at the rate of one-half of one percent (.5%) on the receipts from all retail sales within the City of Marshfield, Missouri, including all sales of metered water service, electricity, electrical current and natural, artificial or propane gas, wood, coal or home heating oil for domestic use only pursuant to Section 144.032, RSMo., is hereby imposed upon all sellers within the City for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided by Sections 144.010 to 144.525, inclusive, RSMo., and the rules and regulations of the Director of Revenue of the State of Missouri issued pursuant thereto. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the State sales tax under the provisions of Section 144.030, RSMo. Such tax shall terminate on the earlier of October 1, 2009, for general retail sales, July 1, 2014, for all sales of metered water service, electricity, electrical current and natural, artificial or propane gas, wood, coal or home heating oil for domestic use only pursuant to Section 144.032, RSMo., or such date as any obligations issued by the City for the purpose of making improvements to the sewerage portion of the combined waterworks and sewerage system of the City and authorized at the February 2, 1999, election have been paid in full. Such tax shall not be effective until the terms and provisions of this Section have been complied with. (Ord. No. 801 §1, 3-13-97; Ord. No. 883 §1, 5-20-99)

SECTION 140.130: TOURISM TAX

- A. Definitions. The terms used herein shall have the meaning ascribed to them in this Section and shall be construed as indicated in this Section:
- HOTEL AND MOTEL:* Lodging facility for transient guests including, but not limited to, bed and breakfast residences and bed and breakfast homestays.
- TOURISM TAX:* Amount of tax levied, fixed, imposed and ordered collected on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in the City of Marshfield, Missouri, pursuant to the provisions of Subsection (B) herein.
- TRANSIENT GUEST:* A person who occupies a room or rooms in a hotel or motel for thirty-one (31) days or less during a calendar quarter.
- B. *Levy Of Tax.* There is hereby levied, fixed, imposed and ordered collected a tax in the amount of two percent (2%) on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in the City of Marshfield, Missouri. This tax shall be in addition to any and all taxes imposed by law. Each person, partnership, venture or corporation now or hereafter engaged in the business of operating a hotel or motel in the City of Marshfield, Missouri, shall collect the tourism tax and shall remit the same to the City Collector on or before the thirtieth (30th) day of the month following the end of the calendar quarter.

- C. *Convention, Visitor And Tourist Center Promotion.* All revenues received from the tourism tax levied herein shall be utilized by the City of Marshfield, Missouri, solely for funding a convention and visitors bureau which shall be a general not-for-profit organization with whom the City has contracted, and which is established for the purpose of promoting the City as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes.
- D. *Transient Guest Tax Fund.* The City Collector is hereby required to create the "Transient Guest Tax Fund" to record revenues received and appropriations expended for like cause. The purpose of this fund shall remain singular and monies for other purposes shall not be commingled.
- E. *Reports Required.* Every person, partnership, venture or corporation now or hereafter engaged in the business of operating a hotel or motel for transient guests located in the City of Marshfield, Missouri, shall file with the City Collector prescribed forms giving such information as may be necessary to determine the amounts to which the tourism tax shall apply for the calendar quarter to be submitted with the payment to be made in accordance with Subsection (B) hereof.
- F. *Examination Of Books, Records.* The City Collector or an authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of the hotel or motel for transient guests as may be necessary to determine the correctness of the reports required by Subsection (E) hereof.
- G. *Penalties For Non-Payment.* Any tourism tax not paid within thirty (30) days after the last day of each calendar quarter shall be considered delinquent. There is hereby added a penalty of one percent (1%) and interest of two percent (2%) per month on the unpaid taxes which are considered delinquent until paid. In addition to the penalties provided herein, any person subject to the provisions of this Section who fails to collect and remit the tourism tax, file the prescribed forms or files a false or fraudulent form shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. No. 1082 §§1--2, 6-24-04; Ord. No. 1090 §1, 8-26-04)

SECTION 140.140: TRANSPORTATION TAX

A City sales tax for transportation purposes at the rate of one-half of one percent (.5%) on the receipts from all retail sales within the City of Marshfield, Missouri, is hereby imposed upon all sellers within the City for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided by Sections 144.010 to 144.525, inclusive, RSMo., and the rules and regulations of the Director of Revenue of the State of Missouri issued pursuant thereto; provided that said sales tax shall terminate not later than fifteen (15) years from the effective date of said sales tax. Such tax shall not be effective until the terms and provisions of this Section have been complied with, including submission to the voters of the City of a proposal to authorize the Board of Aldermen to impose such City sales tax for transportation purposes. (Ord. No. 1107 §1, 1-13-05)

SECTION 140.150: OPT OUT OF SALES TAX HOLIDAY

The City of Marshfield hereby determines that it will prohibit the provisions of Section 144.049, RSMo., 2005, from exempting sales of certain clothing, personal computers, certain computer software and school supplies that occur within the boundaries of the City of Marshfield, Missouri, beginning at 12:01 A.M. on the first (1st) Friday in August and ending at Midnight on the Sunday following from local sales taxes. (Ord. No. 1185 §1, 1-12-06)

ARTICLE V. IDENTITY THEFT PREVENTION PROGRAM

SECTION 140.160: IDENTITY THEFT PREVENTION PROGRAM

The City of Marshfield utility has been charged with creating and implementing an Identity Theft Protection Program, pursuant to the Fair and Accurate Credit Transactions Act of 2003 (15 U.S.C. Section 1681s(a)(1)) and by Federal Trade Commission rule (16 C.F.R. Section 681). The Board of Aldermen has reviewed and approved the Identity Theft Prevention Program for the City's municipal utility which is on file in the City offices with this Section and as required by 16 C.F.R. Section 681.2(e)(1). (Ord. No. 1354 §1, 10-23-08)

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE**CHAPTER 200: POLICE DEPARTMENT****SECTION 200.010: POLICE DEPARTMENT ESTABLISHED -- COMPOSITION**

There is hereby established a Police Department for the City which shall consist of a Chief, and such number of Policemen as shall be determined by the Board of Aldermen.

SECTION 200.020: SELECTION OF CHIEF

At the first (1st) regular meeting of the Board of Aldermen in April of each year, the Mayor with the approval of the Board shall select some suitable and qualified person as Police Chief who shall serve for the term of one (1) year, unless sooner removed. In the event of a vacancy in the office of Police Chief, the senior member of the Police Department at the time of the vacancy shall serve until the next regular meeting of the Board of Aldermen, at which time the vacancy shall be filled by vote of the Board of Aldermen, the person so elected to serve the unexpired term.

SECTION 200.030: DUTIES OF CHIEF

The Police Chief shall be responsible for the discipline, good order and conduct of the Police Department and the enforcement of all laws, ordinances, and regulations pertaining thereto, and for the care and condition of all property of the Department. He/she shall have the superintendence, control and command of all the men belonging to the Department, and all Police Department equipment belonging to the City. He/she shall have all authority and power granted to him/her under the laws of the State of Missouri and the ordinances of the City of Marshfield. He/she shall be responsible for all scheduling of work by the members of the Police Department and shall be responsible for annually preparing a budget for the Police Department to submit to the City Administrator and Board of Aldermen and to submit an annual report of the activity of the Police Department during the past year at a time to be designated by the City Administrator or Board of Aldermen. The Police Chief shall be compensated for the performance of his/her duties at a rate to be determined annually by the Board of Aldermen and shall receive such benefits as shall be determined annually by the Board of Aldermen. The Police Chief shall at all times be responsible to the Mayor of the City of Marshfield, who by State law is the Commander in Chief of all Law Enforcement Officers of the City of Marshfield.

SECTION 200.040: APPOINTMENT OF REGULAR POLICE

The Mayor, at the regular meetings of the Board of Aldermen, and at such times as a vacancy may exist, with the consent and approval of the Board of Aldermen, may appoint such number of regular Policemen as may be deemed necessary to good and proper law enforcement in the City of Marshfield. (Ord. No. 308 §2, 4-23-76)

SECTION 200.050: APPOINTMENT OF RESERVE POLICE

In addition to regular Policemen the Mayor may, without the consent and approval of the Board of Aldermen, appoint such reserve Policemen as he/she may deem necessary for good and proper law enforcement in the City of Marshfield. Provided that such number of reserve Policemen shall not exceed five (5) persons. Reserve Policemen shall possess all the powers and qualifications of a regular Policeman. (Ord. No. 308 §3, 4-23-76)

SECTION 200.060: POLICEMEN TO SERVE AT THE WILL OF MAYOR AND BOARD OF ALDERMEN

All Policemen, regular or reserve, shall at all times serve at the will of the Mayor and Board of Aldermen of the City of Marshfield. Provided further that all directives from the Mayor and Board of Aldermen shall issue from the Mayor to the Chief of Police or Assistant Chief of Police, in absence of the Chief of Police. (Ord. No. 308 §4, 4-23-76)

SECTION 200.070: SUSPENSION OF POLICEMEN AND CHIEF OF POLICE

All Policemen, regular or reserve, may at any time, with cause, be suspended by the Chief of Police, or Assistant Chief of Police in absence of the Chief of Police, for a period not to exceed thirty (30) days. The Chief of Police may, at any time, with cause, be suspended by the Mayor of the City of Marshfield, for a period not to exceed thirty (30) days. (Ord. No. 308 §5, 4-23-76)

SECTION 200.080: REMOVAL OF POLICEMEN

All Policemen, regular or reserve, may at any time, with or without cause, be removed from office by the Mayor with the consent and approval of a majority of the Board of Aldermen and may be removed by a two-thirds (2/3) majority of the Board of Aldermen without the consent of the Mayor. (Ord. No. 308 §6, 4-23-76)

SECTION 200.090: QUALIFICATIONS FOR POLICE

All persons appointed to the office of Policeman, either regular or reserve, shall be at least twenty-one (21) years of age, a resident of Webster County and qualified under Chapter 590, RSMo. (Ord. No. 308 §7, 4-23-76)

SECTION 200.100: POLICEMEN -- POWERS AND DUTIES

All Policemen, regular or reserve, shall have power to serve and execute all warrants, subpoenas, writs or other process and shall have power to make arrests in the manner as provided by Missouri Statutes or municipal ordinance of the City of Marshfield. It is hereby made their duty to enforce all laws of the State of Missouri and the City of Marshfield. (Ord. No. 308 §10, 4-23-76)

SECTION 200.110: MAYOR AND CHIEF OF POLICE TO MAKE REGULATIONS

The Mayor and Chief of Police are hereby empowered and authorized to make rules and regulations, not inconsistent with the ordinances of the City of Marshfield, for the further governing of the Police force of the City of Marshfield. All rules and regulations promulgated by the Mayor and Chief of Police and approved by the Board of Aldermen shall be dated and filed with the City Administrator as a public record and shall be binding on all Policemen. (Ord. No. 308 §11, 4-23-76)

SECTION 200.120: EXCESSIVE FORCE PROHIBITED

- A. The following Rules and Regulations are hereby adopted to limit the use of excessive force: The City of Marshfield hereby adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agents within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.
- B. Any person found to be violating any provision of this Section shall be served by the City with written notice stating the nature of the violation.
- C. Any person found to be violating any provision of this Section shall be prosecuted for assault and on conviction thereof shall be fined and/or jailed as set forth in the applicable punishment provisions of the Marshfield Municipal Code. Each day in which any such violations shall continue shall be deemed a separate offense.
- D. Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation. (Ord. No. 593 §§1--4, 4-11-91)

SECTION 200.130: MAJOR CASE SQUAD

Under the authority of Section 70.352, RSMo., the Chief of Police of the City of Marshfield, Missouri, and the regular non-reserve officers of the City of Marshfield, Missouri, are hereby authorized to cooperate with other counties and cities and are hereby given the authority to participate in the South Central Missouri Major Case Squad. (Ord. No. 659 §1, 9-23-93)

CHAPTER 203: FIRE DEPARTMENT

SECTION 203.010: ESTABLISHED

There is hereby established a Fire Department for the City, which shall consist of a Chief, Assistant Chief(s) and such organized volunteer Firemen as may be enrolled by the Chief with the consent of the Mayor.

SECTION 203.020: DUTIES

The Fire Department shall have charge of the fire apparatus and equipment and shall keep the same in good order for immediate use, and for more effectively protecting the Firemen in the discharge of their duties, shall as often as practicable thoroughly test the condition of the fire fighting apparatus and equipment. Upon arrival at any fire, the members present shall take all necessary and proper action to extinguish such fire as quickly as possible and with the least damage possible. The Department shall take all reasonable steps necessary under the circumstances to prevent the spread of the fire and damage to adjoining property. If there are two (2) serviceable fire trucks with adequate equipment, and a request is received for fire

fighting equipment outside the City Limits, the Fire Chief, or Assistant Fire Chief(s), may determine whether to answer such request depending upon the road conditions, water supply, existence of mutual aid agreements, and other conditions at the time, and his/her decision shall be final. The decision of the Fire Chief or Assistant Fire Chief(s) shall in no way subject him/her to personal liability. In the event the Fire Department answers the call, it shall take only one (1) truck and not more than one-half (½) of the available members of the Department. The Board of Aldermen of the City of Marshfield will determine from time to time the charges for making a call outside the City Limits, which said charges shall take into consideration the amount of time, the value of equipment and supplies, and the number of Firemen involved in said call, as well as any direct expenses involved.

SECTION 203.030: CHIEF AND ASSISTANT CHIEF(S)

- A. The Chief of the Fire Department shall be appointed by the Mayor by and with the consent of the Board of Aldermen at the first (1st) regular meeting of the Board of Aldermen after each City election. The Chief shall hold office for a term of two (2) years until his/her successor is appointed and qualified. The Assistant Chief(s) shall be annually appointed by the Chief of the Fire Department and shall hold office for one (1) year until his/her successor is elected and qualified.
- B. It shall be the duty of the Fire Chief to examine and report semi-annually to the Mayor the condition of the Department and its equipment, and to recommend such alterations and additions and changes as the Department may, in his/her judgment, require. The Fire Chief shall be directly responsible for direction of all members of the Fire Department and all activities of the Fire Department, and for the administration and co-ordination of Fire Department activities through supervision of subordinate Officers and through review of their activities. The Fire Chief shall make administrative and operational decisions pertaining to fire fighting, fire prevention standards, training and enforcement of laws, regulations and established policies and shall provide for the training and discipline of Fire Department personnel. The Fire Chief shall direct the preparation and ultimate analysis of fire records and reports to secure efficient operation to meet service demands and to comply with authorized requests for information regarding departmental activities and personnel. The Fire Chief shall be responsible for keeping abreast of modern fire fighting methods and administration and shall address civic and other groups concerning the activities and programs of the Fire Department. The Assistant Chief(s) shall perform all duties of the Chief in his/her absence, and shall perform all duties specifically assigned to him/her by the Chief.

SECTION 203.040: POWERS AND DUTIES AT FIRES

The Fire Chief shall have full power, control and command over all persons at a fire, excepting only City Police Officers on duty. He/she shall station the fire apparatus and see to it that all persons belonging to the Fire Department perform the duties required of them. It shall also be the duty of the Chief to direct at all fires such measures as he/she shall deem advisable for the extinguishment and control of such fires. The Chief and Assistant Chief(s) of the Fire Department of this City are acting Police Officers while on duty and have full authority to detain, direct or arrest any person who maliciously obstructs them in the service of their duty and to arrest any person who may be pilfering, carrying away or stealing anything in the time of fire, storms, tornados and floods.

SECTION 203.050: MUTUAL AID OR EMERGENCY ASSISTANCE

Under the authority set forth in Section 70.872 RSMo., the Chief of the Marshfield Fire

Department, or his/her designated representative in his/her absence, and the Chief of the Marshfield Police Department, or his/her designated representative in his/her absence, may authorize the Marshfield Fire Department and the Marshfield Police Department, respectively, to respond and provide assistance as requested in any mutual aid or emergency aid request. (Ord. No. 631 §1, 11-12-92)

CHAPTER 205: NUISANCES

ARTICLE I. GENERALLY

SECTION 205.010: NUISANCES AFFECTING HEALTH

- A. The following are declared to be nuisances affecting health:
1. All decayed or unwholesome food offered for sale to the public, or offered to the public at no charge.
 2. All diseased animals running at large.
 3. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
 4. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
 5. Privy vaults or garbage cans which are not fly-tight, that is, privy vaults or garbage cans which do not prevent the entry of flies, insects and rodents.
 6. The pollution of any well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes, or other substances harmful to human beings.
 7. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.
 8. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.
 9. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.
 10. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
 11. The keeping of animals and fowls in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.
 12. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City of Marshfield and the Statutes of the State of Missouri.
 13. No person shall discharge or cause to be discharged into a stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or

any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system, or which will pollute the natural creeks or waterways.

14. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Marshfield.

15. All articles or things whatever caused, kept, maintained or permitted by any person to the injury or annoyance of the public.

16. All acts done or pursuits followed by any person to the injury or annoyance of the public.

B. *Unlawful To Cause, Maintain Within City Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied lot or land or any part thereof in the City of Marshfield, or within one-half (½) mile of the corporate limits of the City of Marshfield, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission.

Each day that a nuisance shall be maintained is a separate offense.

C. *Authority To Abate Emergency Cases.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the Mayor or his/her designate shall have the authority to order the Chief of Police or City Representative or other City Official to immediately abate the nuisance in an appropriate manner.

D. *Abatement--Procedure Generally.* Whenever the Board of Aldermen receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:

1. *It shall investigate the same.* The Board may order any person who has caused or is maintaining the nuisance to appear before the Board at such time and place as the Board may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.
2. Such notice shall be signed by the City Representative or Chief of Police and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the President or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or once, if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board.
3. If after hearing all the evidence the Board of Aldermen may determine that a nuisance exists, it may direct the City Representative or Chief of Police or other City Official to order the person to abate the nuisance within twenty (20) days or within such other time as the Board may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Board, and that a special tax bill be issued for the costs of abating the nuisance.
4. If the order has not been obeyed within the time period set by the Board, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the Board, and the cost of same, if ordered by the Board, may be assessed as a special tax

against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.

5. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.
6. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

SECTION 205.020: ANIMAL WASTE PROHIBITED ON PUBLIC AND PRIVATE PROPERTY -- EXCEPTION

Any person in physical possession and control of any animal shall remove excreta or other solid waste deposited by the animal in any public or private area not designated to receive such wastes including, but not limited to, streets, sidewalks, parking lots, public parks or recreation areas and private property. The provisions of this Section shall not apply to a guide dog accompanying any blind person.

ARTICLE II. ABANDONED PROPERTY

SECTION 205.030: DEFINITIONS

As used in this Article, the following terms shall have the meanings set out herein:

ABANDONED PROPERTY: Any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Article, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.

PERSON: Any natural person, corporation or other legal entity.

RIGHT-OF-WAY: The entire width of land between the boundary lines of a public road or State highway, including any roadway.

ROADWAY: That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

TOWING COMPANY: Any person or entity which tows, removes or stores abandoned property.

SECTION 205.040: ABANDONED VEHICLES PROHIBITED

No person shall abandon any motor vehicle on the right-of-way of any public road or State highway or on any private real property owned by another without his/her consent.

SECTION 205.050: OPEN STORAGE OF INOPERABLE VEHICLES OR PUBLIC SAFETY HAZARDS PROHIBITED

The open storage of inoperable vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage,

swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

SECTION 205.060: OBSTRUCTING THE FLOW OF TRAFFIC PROHIBITED

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

SECTION 205.070: TOWING OF ABANDONED PROPERTY ON PUBLIC REAL PROPERTY

- A. Any Law Enforcement Officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:
 - 1. Any abandoned property on the right-of-way of:
 - a. Any State highway or interstate highway or freeway in an urbanized area of the City left unattended for ten (10) hours;
 - b. Any State highway or interstate highway or freeway outside of an urbanized area of the City left unattended for more than forty-eight (48) hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice.
 - 2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
 - 3. Any abandoned property which has been abandoned under Section 205.040 herein or Section 577.080, RSMo.
 - 4. Any abandoned property which has been reported as stolen or taken without consent of the owner.
 - 5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal.
 - 6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
 - 7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
- B. When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
- C. Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

SECTION 205.080: TOWING OF ABANDONED PROPERTY ON PRIVATE REAL PROPERTY

- A. *Generally.* The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 205.050 or are derelict junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 205.090. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.
- B. *Towing Authorized By City Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:
1. The abandoned property is left unattended for more than forty-eight (48) hours; or
 2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*
1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:
 - a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.
 - b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification.
 - c. *Unattended on other private real property.* The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.
 2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:
 - a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;

- b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
 - c. The license plate or registration number and the State of issuance, if available;
 - d. The physical location of the property and the reason for requesting the property to be towed;
 - e. The date the report is completed;
 - f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
 - g. The towing company's name and address;
 - h. The signature of the towing operator;
 - i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;
 - j. Space for the name of the law enforcement agency notified of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and
 - k. Any additional information the Missouri Director of Revenue deems appropriate.
3. Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.
4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.
5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.
6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:

- a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
 - b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.
- D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.
- E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Article.
- F. *Written Authorization Required--Delegation Of Authority To Tow.*
 - 1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
 - 2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.
- G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

SECTION 205.090: GENERAL PROVISIONS AND PROCEDURES

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 205.100.
- B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 205.070 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 205.080, the City Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system.
If the abandoned property is not claimed within ten (10) working days of the towing, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:
 - 1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;

2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;
 3. The license plate or registration number and the State of issuance, if available;
 4. The storage location of the towed property;
 5. The name, telephone number and address of the towing company;
 6. The date, place and reason for the towing of the abandoned property;
 7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Police Department;
 8. The signature and printed name of the Law Enforcement Officer authorizing the tow and the towing operator; and
 9. Any additional information the Missouri Director of Revenue deems appropriate.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Article and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
1. The name, address and telephone number of the storage facility;
 2. The date, reason and place from which the abandoned property was removed;
 3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
 4. A statement that the storage firm claims a possessory lien for all such charges;
 5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
 6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
 7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
 8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the

towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "*good faith effort*" means that the following checks have been performed by the company to establish the prior State of registration and title:

1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Article or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.

H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Article shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

1. The public agency authorizing the removal; or
2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Article shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.

SECTION 205.100: MAXIMUM CHARGES

A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Article.

B. The Board of Aldermen may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the

City, and which are consistent with this Article and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.240.

- C. A towing company may impose a charge of not more than one-half (½) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Article if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

SECTION 205.110: SALE OF ABANDONED PROPERTY BY CITY

When the City has physical possession of the abandoned property, it may sell the abandoned property in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the City Clerk and sealed with the official City Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number, and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo., or Section 301.560, RSMo., or for any other person.

ARTICLE III. WEEDS, HIGH GRASS OR OTHER VEGETATION

SECTION 205.120: WEEDS, HIGH GRASS OR OTHER VEGETATION

- A. *Failure To Keep Weeds, High Grass And Other Vegetation Cut And Removed, A Nuisance.* All persons owning or occupying any lot or tract of land in the City shall keep the weeds, high grass and other vegetation growing on such property cut and removed. Whenever such weeds, high grass or other vegetation shall attain the height of ten (10) inches, it shall be deemed a public nuisance.
- B. *Unlawful To Maintain Such Nuisance.* It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A).
- C. *Liability.* Whenever weeds, high grass or other vegetation in violation of Subsection (A) of this Section are allowed to grow on any part of any lot or ground within the City, the owner of the ground or, in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof shall be liable.
- D. *Notice.* The Chief of Police or other designated official shall give a hearing after ten (10) days' notice thereof either personally or by United States mail to the owner or owners, or his/her or their agents, or by posting such notice on the premises; thereupon, the Chief of Police or other designated official may declare the weeds, high grass or other vegetation to be a nuisance and order the same to be abated within five (5) days.
- E. *Disposition.* In case the weeds, high grass or other vegetation are not cut down and removed within the five (5) days, the Chief of Police or other designated official shall have the weeds, high grass or other vegetation cut down and removed and shall certify the costs of same to the City Clerk.
- F. *Tax Bill.* The City Clerk shall cause a special tax bill therefor against the property to be prepared and to be collected by the Collector with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first (1st) lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the Collector on

or before the first (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

CHAPTER 210: OFFENSES

Cross Reference--As to storage container regulations, see ch. 535.

ARTICLE I. GENERAL PROVISIONS

SECTION 210.005: DEFINITIONS

In this Chapter, unless the context requires a different definition, the following shall apply:

AFFIRMATIVE DEFENSE: Has the meaning specified in Section 556.056, RSMo.

BURDEN OF INJECTING THE ISSUE: Has the meaning specified in Section 556.051, RSMo.

COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR: Any person who develops exposed photographic film into negatives, slides or prints or who makes prints from negatives or slides for compensation. The term "*commercial film and photographic print processor*" shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.

CONFINEMENT:

1. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:
 - a. A court orders his/her release;
 - b. He/she is released on bail, bond or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine him/her authorizes his/her release without guard and without condition that he/she return to confinement.
2. A person is not in confinement if:
 - a. He/she is on probation or parole, temporary or otherwise; or
 - b. He/she is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him/her to or from a place of confinement;

CONSENT: Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;
2. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
3. It is induced by force, duress or deception.

CRIMINAL NEGLIGENCE: Has the meaning specified in Section 562.016, RSMo.

CUSTODY: A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

DANGEROUS FELONY: The felonies of arson in the first degree, assault in the first degree, forcible rape, forcible sodomy, kidnapping, murder in the second degree and robbery in the first degree.

DANGEROUS INSTRUMENT: Any instrument, article or substance which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

DEADLY WEAPON: Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles.

FELONY: Has the meaning specified in Section 556.016, RSMo.

FORCIBLE COMPULSION: Means either:

1. Physical force that overcomes reasonable resistance; or
2. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury, or kidnapping of himself/herself or another person.

INCAPACITATED: That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act. A person is not "*incapacitated*" with respect to an act committed upon him/her if he/she became unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act, after consenting to the act.

INFRACTION: Has the meaning specified in Section 556.021, RSMo.

INHABITABLE STRUCTURE: Has the meaning specified in Section 569.010, RSMo.

KNOWINGLY: Has the meaning specified in Section 562.016, RSMo.

LAW ENFORCEMENT OFFICER: Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

MISDEMEANOR: Has the meaning specified in Section 556.016, RSMo.

OFFENSE: Any felony, misdemeanor or infraction.

PHYSICAL INJURY: Physical pain, illness, or any impairment of physical condition.

PLACE OF CONFINEMENT: Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.

POSSESS OR POSSESSED: Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if he/she has the object on his/her person or within easy reach and convenient control. A person has constructive possession if he/she has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.

PUBLIC SERVANT: Any person employed in any way by a government of this State who is compensated by the government by reason of his/her employment, any person appointed to a position with any government of this State, or any person elected to a position with any government of this State. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.

PURPOSELY: Has the meaning specified in Section 562.016, RSMo.

RECKLESSLY: Has the meaning specified in Section 562.016, RSMo.

RITUAL OR CEREMONY: An act or series of acts performed by two (2) or more persons as part of an established or prescribed pattern of activity.

SERIOUS EMOTIONAL INJURY: An injury that creates a substantial risk of temporary or permanent medical or psychological damage manifested by impairment of a behavioral, cognitive or physical condition. "*Serious emotional injury*" shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.

SERIOUS PHYSICAL INJURY: Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

SEXUAL CONDUCT: Acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification.

SEXUAL CONTACT: Any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing for the purpose of arousing or gratifying sexual desire of any person.

SEXUAL PERFORMANCE: Any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen (17) years of age.

VOLUNTARY ACT: Has the meaning specified in Section 562.011, RSMo.

ARTICLE II. OFFENSES AGAINST THE PERSON

SECTION 210.010: ASSAULT

A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury to another person;
2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon;
3. The person purposely places another person in apprehension of immediate physical injury;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person;
5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.

SECTION 210.015: DOMESTIC ASSAULT

A person commits the offense of domestic assault if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in Section 455.010, RSMo.; and

1. The person attempts to cause or recklessly causes physical injury to such family or household member;
2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;
3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;
5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices, or transportation for the purpose of isolation.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER

A person commits the offense of assault of a Law Enforcement Officer if:

1. He/she attempts to cause or recklessly causes physical injury to a Law Enforcement

- Officer;
2. With criminal negligence he/she causes physical injury to a Law Enforcement Officer by means of a deadly weapon;
 3. He/she purposely places a Law Enforcement Officer in apprehension of immediate physical injury;
 4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to a Law Enforcement Officer; or
 5. He/she knowingly causes or attempts to cause physical contact with a Law Enforcement Officer without the consent of the Law Enforcement Officer.

SECTION 210.030: HARASSMENT

A person commits the offense of harassment if for the purpose of frightening or disturbing another person he/she:

1. Communicates in writing or by telephone a threat to commit any felony;
2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility;
3. Makes a telephone call anonymously; or
4. Makes repeated telephone calls.

SECTION 210.040: FALSE IMPRISONMENT

A person commits the offense of false imprisonment if he/she knowingly restrains another unlawfully and without consent so as to interfere substantially with his/her liberty.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.050: ENDANGERING THE WELFARE OF A CHILD

- A. A person commits the offense of endangering the welfare of a child if:
1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
 2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
 3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
 4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.055: LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:
COLLISION: The act of a motor vehicle coming into contact with an object or a person.
INJURY: Physical harm to the body of a person.
MOTOR VEHICLE: Any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.
UNATTENDED: Not accompanied by an individual fourteen (14) years of age or older.
- B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child ten (10) years of age or less unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.
- Note--Under certain circumstances this offense can be a felony under state law.*

ARTICLE III. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 210.060: CONCEALING AN OFFENSE

A person commits the offense of concealing an offense if:

1. He/she confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
2. He/she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.070: HINDERING PROSECUTION

A person commits the offense of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting a crime he/she:

1. Harbors or conceals such person;
2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;
3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.075: OBSTRUCTING GOVERNMENT OPERATION

- A. It shall be unlawful to commit the offense of obstructing government operation.
- B. A person commits the offense of obstructing government operation if he/she purposely obstructs, impairs, hinders or perverts the performance of a governmental function by using or threatening violence, force or other physical interference or obstacle. (Ord. No. 984, 7-25-02)

SECTION 210.080: REFUSAL TO IDENTIFY AS A WITNESS

A person commits the offense of refusal to identify as a witness if, knowing he/she has witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a Law Enforcement Officer engaged in the performance of his/her official duties, he/she refuses to report or gives a false report of his/her name and present address to such officer.

SECTION 210.090: DISTURBING A JUDICIAL PROCEEDING

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness, and thereby to influence a judicial proceeding, he/she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter concerning the conduct of the judicial proceeding or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding.

SECTION 210.100: TAMPERING WITH A WITNESS -- TAMPERING WITH A VICTIM

- A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness in an official proceeding to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:
 - 1. Threatens or causes harm to any person or property;
 - 2. Uses force, threats or deception;
 - 3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
 - 4. Conveys any of the foregoing to another in furtherance of a conspiracy.
- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
 - 1. Making any report of such victimization to any Peace Officer or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
 - 2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or
 - 3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.110: IMPROPER COMMUNICATION

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

SECTION 210.120: FALSE IMPERSONATION

A person commits the offense of false impersonation if he/she:

- 1. Falsely represents himself/herself to be a public servant with purpose to induce another to

submit to his/her pretended official authority or to rely upon his/her pretended official acts, and

- a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon his/her pretended official authority.
2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
- a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation.

SECTION 210.130: FALSE REPORTS

- A. A person commits the offense of making a false report if he/she knowingly:
1. Gives false information to any person for the purpose of implicating another person in a crime or offense;
 2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or
 3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

SECTION 210.140: RESISTING OR INTERFERING WITH ARREST

- A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:
1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
 2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any crime, infraction or ordinance violation.
- C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.
- D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.150: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY

A person commits the offense of escape from custody or attempted escape from custody if, while

being held in custody after arrest for any crime or offense, he/she escapes or attempts to escape from custody.

Note--Under certain circumstances this offense can be a felony under state law.

ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY

SECTION 210.160: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS

- A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

SECTION 210.170: LITTERING

A person commits the offense of littering if he/she throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this City or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

SECTION 210.180: LITTERING VIA CARCASSES

- A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).
- B. If any person shall remove or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance to the annoyance of the citizens of this City, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section.

SECTION 210.190: CORRUPTING OR DIVERTING WATER SUPPLY

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well,

spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or City for their use, shall be adjudged guilty of an ordinance violation and punished by a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

SECTION 210.200: ABANDONING MOTOR VEHICLE

A person commits the offense of abandoning a motor vehicle if he/she abandons any motor vehicle on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

SECTION 210.205: LOITERING, TRESPASSING AND PROHIBITED PARKING IN FIRE ZONES

A. *Definitions.* As used in this Section, the following words shall have the meanings set out herein:

FIRE ZONE: An area in front of or adjacent to a business or other public place that has been approved as a fire zone by the Marshfield Fire Marshall and has had the curb painted and signs erected to designate the same as a fire zone.

LOITERING: Remaining idle in essentially one (1) location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression "hanging around".

PUBLIC PLACE: Any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, or other place of business and also public grounds, areas or parks.

B. *Loitering.* It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon, and thereto.
3. No person, except the owner, tenant or other person in possession, or their invitees, shall loiter upon or about any public or private parking lot, not upon any parking lot provided for the customers, business invitees or employees of any commercial or industrial establishment at any time any such public or private parking lot shall be closed to use by the public or any such commercial or industrial lot shall be closed to use by customers, business invitees and employees. Any such person found loitering upon any such lot or facility at any time that signs have been previously erected giving notice that the lot is closed to use shall be presumptively loitering and in violation of this Section, which

presumption shall be rebuttal.

- C. *Unlawful Parking In Fire Zones.* It shall be unlawful for any person to park, or leave their automobile unattended in a fire zone. Any person who violates this provision shall be guilty of a violation of this Section. (Ord. No. 612 §§1--2, 1-23-92; Ord. No. 969 §215.085, 2-14-02)

SECTION 210.207: FIREWORKS

- A. *Sale Of Fireworks--Unlawful.* It is hereby declared unlawful and an offense for any person, partnership or corporation located within the City limits of the City of Marshfield to sell or expose for sale any torpedoes, firecrackers, giant-crackers, or other explosive of whatever kind, or any sky-rockets, roman candles, or other exploding fireworks or fire display of any kind whatever but shall not prohibit the sale of cap pistols or cap rifles and the caps for same.
- B. *Discharge Of Fireworks--Where.* It shall be unlawful and an offense for any person to shoot off, discharge or explode torpedoes, firecrackers, giant-crackers, cannon-crackers, or other explosive of whatever kind, or any skyrockets, roman candles or other exploding fireworks or fire display of any kind whatever on that part of Clay, Jefferson, Crittenden and Madison Streets composing what is commonly known as the public square or within three hundred (300) feet in any direction from the other boundaries of said public square.
- C. In any other part of the City of Marshfield other than designated in this Subsection, it shall be unlawful and an offense for any person to shoot off, discharge or explode any torpedoes, fire-crackers, giant-crackers, cannon-crackers, or other explosive of whatever kind, or any skyrockets, roman candles or other exploding fireworks or fire display of any kind whatever within five hundred (500) feet of any public parade, public meeting or lawful assembly of people during such time as such parade, meeting or assembly is being held or while the people are assembling or dispersing therefrom.
- D. It shall be unlawful for any person to ignite or discharge any fireworks within any of the following areas in the City without first obtaining a permit:
1. Within six hundred (600) feet of any church, hospital, asylum or public school or within one hundred (100) feet of a permanent structure where fireworks are stored, sold or offered for sale.
 2. Within or throw the same from a motor vehicle, or place or throw the same into or at a motor vehicle, or at or near any person or group of people.
 3. Within three hundred (300) feet of any gasoline pump, gasoline filling station, or any non-permanent structure where fireworks are stored, sold or offered for sale.
 4. Within any City park. (Ord. No. 1088 §1, 8-12-04)

ARTICLE V. OFFENSES CONCERNING PUBLIC PEACE

SECTION 210.210: PEACE DISTURBANCE

A person commits the offense of peace disturbance if:

1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise;
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
 - d. Fighting; or
 - e. Creating a noxious and offensive odor.

2. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public or private place.

SECTION 210.220: PRIVATE PEACE DISTURBANCE

A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. Threatening to commit a crime or offense against any person; or
2. Fighting.

SECTION 210.230: PEACE DISTURBANCE DEFINITIONS

For the purposes of Sections 210.210 and 210.220, the following words shall have the meanings set out herein:

PRIVATE PROPERTY: Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

PROPERTY OF ANOTHER: Any property in which the actor does not have a possessory interest.

PUBLIC PLACE: Any place which at the time is open to the public. It includes property which is owned publicly or privately.

If a building or structure is divided into separately occupied units, such units are separate premises.

SECTION 210.240: WEAPONS -- CARRYING CONCEALED -- OTHER UNLAWFUL USE

- A. A person commits the offense of unlawful use of weapons if he/she knowingly:
 1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
 2. Discharges or shoots a firearm within the City limits;
 3. Possesses a firearm or projectile weapon while intoxicated;
 4. Carries a firearm or any other weapon readily capable of lethal use; or
 5. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- B. Subparagraphs (1), (2), (4) and (5) of Subsection (A) of this Section shall not apply to or affect any of the following:
 1. All State, County and municipal Law Enforcement Officers possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal

judiciary;

5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal Probation Officer;
 7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
 8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.; and
 9. The discharge of firearms in connection with any turkey shoots or other charitable event authorized by the Board of Aldermen.
- C. Subparagraphs (1), (3), (4) and (5) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through the City. Subparagraph (5) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.
- D. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.245: UNLAWFUL TRANSFER OF WEAPONS -- PENALTY

A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

SECTION 210.250: DISCHARGING AIR GUN, ETC.

Any person within the limits of this City who shall discharge any BB gun, spring gun or air gun or shall shoot any pebble, bullet, slug, arrow or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of an ordinance violation.

SECTION 210.260: UNLAWFUL ASSEMBLY

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6)

or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

SECTION 210.270: RIOTING

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.280: REFUSAL TO DISPERSE

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

ARTICLE VI. OFFENSES CONCERNING PROPERTY

SECTION 210.290: TAMPERING

- A. A person commits the offense of tampering if he/she:
1. Tamperers with property of another for the purpose of causing substantial inconvenience to that person or to another;
 2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;
 3. Tamperers or makes connection with property of a utility; or
 4. Tamperers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under paragraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service with one (1) or more of the effects described in paragraph (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.300: PROPERTY DAMAGE

A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or
2. He/she damages property for the purpose of defrauding an insurer.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.310: CLAIM OF RIGHT

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon,

or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.

- B. The defendant shall have the burden of injecting the issue of claim of right.

SECTION 210.320: TRESPASS IN THE FIRST DEGREE

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
1. Actual communication to the actor; or
 2. Posting in a manner reasonably likely to come to the attention of intruders.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.330: TRESPASS IN THE SECOND DEGREE

- A. A person commits the offense of trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.
- B. Trespass in the second degree is an infraction.

SECTION 210.335: TRESPASS OF A SCHOOL BUS

A person commits the offense of trespass of a school bus if he/she knowingly and unlawfully enters any part of or unlawfully operates any school bus.

SECTION 210.340: RECKLESS BURNING OR EXPLODING

A person commits the offense of reckless burning or exploding when he/she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.

SECTION 210.350: NEGLIGENT BURNING OR EXPLODING

A person commits the offense of negligent burning or exploding when he/she with criminal negligence causes damage to property of another by fire or explosion.

SECTION 210.355: BURNING

- A. It shall be unlawful to burn any of the following within the City limits of the City of Marshfield, Missouri:
1. Any plastics, tires and rubber;
 2. Any building or construction materials;
 3. Any trash or materials generated by a business, trade or industry.
- B. It shall be lawful for individual household members to burn the following items within the City limits of the City of Marshfield, Missouri, upon applying for and obtaining a burn permit:
1. Paper or paper products;
 2. Cardboard;
 3. Small limbs;
 4. Leaves;

5. Yard and garden waste.
- C. Burn permits shall be issued without charge by the Building Regulations Department at City Hall or by the City Fire Marshal or City Fire Chief. Burn permits shall be valid not to exceed thirty (30) days.
- D. The following restrictions and regulations apply to all burning within the City limits of the City of Marshfield, Missouri:
 1. It shall be unlawful to burn on any street or alley.
 2. Burning in an approved container shall be no closer than ten (10) feet from any building or street. An approved container is a barrel covered with a screening material.
 3. Open burning shall be no closer than twenty-five (25) feet from any building or ten (10) feet from any street.
 4. All open burning must be in the presence of an adult eighteen (18) years of age or older.
 5. Anyone burning must have at that location one (1) of the following: water hose, approved portable fire extinguisher, dirt, sand, water barrel, or water truck.
 6. Smoke created from burning must not obstruct or hinder traffic.
 7. No burning shall be conducted in extreme wind or dry conditions.
 8. Smoke or odor created from burning must not create a nuisance.
 9. It shall be unlawful for any person to burn within ten (10) feet of any propane or gas tank.
- E. Violations and complaints shall be investigated by the Fire Chief or his/her designated representative. If a violation is observed, or if a nuisance is created, the Fire Chief or his/her designated representative will order that the fire be extinguished. If the order is not complied with, the Marshfield Fire Department will be called to extinguish the fire and the violator shall be subject to a fine and/or confinement as provided by Section 100.240. (Ord. No. 964 §1, 11-10-01)

SECTION 210.360: STEALING

- A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer that:
 1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
 2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;
 3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services; or
 4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house.
 5. He/she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.365: THEFT OF MOTOR FUEL

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle

unless payment or authorized charge for motor fuel dispensed has been made.

- B. A person found guilty or pleading guilty to stealing pursuant to Section 570.030, RSMo., for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court, beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

SECTION 210.370: RECEIVING STOLEN PROPERTY

- A. A person commits the offense of receiving stolen property if, for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:
1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
 2. He/she received other stolen property in another transaction within the year preceding the transaction charged; or
 3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.375: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED

- A. A person is guilty of the offense of financial exploitation of an elderly or disabled person if such person stands in a position of trust and confidence with the elderly or disabled person, and such person knowingly and by deception or intimidation obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a misdemeanor if the value of the property is less than two hundred fifty dollars (\$250.00).
- B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings: **DECEPTION:** A misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement, or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement. *"Deception"* includes:
1. Creating or confirming another person's impression which is false and which the offender does not believe to be true.
 2. Failure to correct a false impression which the offender previously has created or confirmed.
 3. Preventing another person from acquiring information pertinent to the disposition of the property involved.
 4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record.
 5. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that

the offender did not intend to perform.

DISABLED PERSON: A person who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders such person incapable of avoiding or preventing the commission of an offense.

ELDERLY PERSON: A person sixty (60) years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunctioning to the extent that such person is incapable of avoiding or preventing the commission of the offense.

INTIMIDATION: The communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

- C. For purposes of this Section, a person stands in a position of trust and confidence with an elderly or disabled person when such person:
1. Is a parent, spouse, adult child or other relative by blood or marriage of the elderly or disabled person;
 2. Is a joint tenant or tenant in common with the elderly or disabled person with knowledge of such relationship;
 3. Has a legal or fiduciary relationship with the elderly or disabled person; or
 4. Has a relationship with the elderly or disabled person as a health care or personal care worker.
- D. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- E. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.
- F. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.
- G. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

SECTION 210.380: FRAUDULENT USE OF A CREDIT OR DEBIT DEVICE

A person commits the offense of fraudulent use of a credit device or debit device if the person uses a credit device or debit device for the purpose of obtaining services or property knowing that:

1. The device is stolen, fictitious or forged;
2. The device has been revoked or canceled;
3. For any other reason his/her use of the device is unauthorized; or
4. Uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels said charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels said charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.390: DECEPTIVE BUSINESS PRACTICE

A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession he/she recklessly:

1. Uses or possesses for use a false weight or measure or any other device for falsely

- determining or recording any quality or quantity;
2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service;
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;
4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

SECTION 210.400: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER

A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;
2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.410: FAILURE TO RETURN RENTED PERSONAL PROPERTY -- ENFORCEMENT PROCEDURE -- PENALTY -- VENUE

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another who conceals the property from the owner or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased

or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 210.300 in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.420: PASSING BAD CHECKS

- A. A person commits the offense of passing a bad check when:
 - 1. With purpose to defraud, the person makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee; or
 - 2. The person makes, issues or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in that account and fails to pay the check or sight order within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee.
- B. As used in Subparagraph (2) of Subsection (A) of this Section, "*actual notice in writing*" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.425: SHOPLIFTING -- DETENTION OF SUSPECT BY MERCHANT -- LIABILITY PRESUMPTION

- A. *Definitions.* As used in this Section, the following definitions shall apply:

MERCANTILE ESTABLISHMENT: Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

MERCHANDISE: All goods, wares and merchandise offered for sale or displayed by a merchant.

MERCHANT: Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

WRONGFUL TAKING: Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

- B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.
- C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable.

SECTION 210.427: MUNICIPAL SWIMMING POOL -- TRESPASSING

It shall be a misdemeanor for any person, not a municipal employee, to be within the fenced confines of the Marshfield Municipal Swimming Pool at any time that the pool is not open to the general public without the express permission and authority of the Marshfield City Park Board. (Ord. No. 272 §2, 6-13-72)

SECTION 210.430: STORAGE OR ACCUMULATION OF CERTAIN MATERIALS PROHIBITED -- WHEN

- A. It shall be unlawful for any person or persons owning or occupying real estate within the City limits of the City of Marshfield, Missouri, to permit the storage or accumulation of building materials, lumber, masonry products, tree trimmings, brush piles, siding and roofing, household appliances, household furniture other than lawn furniture, inoperable motor vehicles or parts thereof, industrial equipment, industrial machinery, industrial products, or industrial materials within the public view for a period exceeding thirty (30) days, except during the time of actual construction of improvements, on any real estate within the City limits of the City of Marshfield.
- B. *Notice To The Property Owner Or Occupier.* Any Police Officer of the City of Marshfield, Missouri, the City Building Inspector, or the City Administrator shall promptly post on the property upon which there is within the public view an accumulation or storage of those items specifically set forth in Subsection (A) hereof a notice which shall read as follows:

NOTICE OF VIOLATION

DATE _____

TO WHOM IT MAY CONCERN:

I HAVE THIS DAY OBSERVED AN ACCUMULATION OR STORAGE OF THE FOLLOWING DESCRIBED ITEMS PROHIBITED BY SECTION 210.430 OF THE MUNICIPAL CODE OF THE CITY OF MARSHFIELD, MISSOURI, ON THE REAL ESTATE LOCATED IN SAID CITY AT _____; THE PROHIBITED MATERIALS STORED THEREON ARE DESCRIBED AS: _____.

NOTICE IS HEREBY GIVEN THAT UNLESS SAID MATERIALS ARE REMOVED FROM PUBLIC VIEW ON OR BEFORE ____ O'CLOCK __.M. ON THE ____ DAY OF _____, 20____,

TEN (10) DAYS FROM THE DATE OF THIS NOTICE, CRIMINAL AND/OR CIVIL ACTION WILL BE INSTITUTED AGAINST THE OWNERS AND OCCUPIERS OF THIS PROPERTY AS PROVIDED BY ORDINANCE.

CITY OFFICIAL

A copy of the foregoing notice will be mailed to the record owner of said real estate as the name and address of said owner is listed on the official tax books of the City of Marshfield, Missouri.

C. Penalties.

1. In any case of the prohibited materials set forth in Subsection (A) of this Section are not removed by the owner and/or occupier of the real estate upon which said prohibited materials are stored within ten (10) days after posting of the notice required in Subsection (B) of this Section, the authorities of the City of Marshfield, Missouri, may, in addition to other remedies, institute any appropriate action or proceedings to prevent such unlawful accumulation and storage of material, to restrain, correct or abate such violation, to prevent the occupancy of said real estate, or to prevent any illegal act, conduct, business or use in or about such premises.
2. The owner and/or occupier of real estate where a violation of any provision of this Section has been committed or shall exist, ten (10) days after posting of the notice set forth in this Section, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the Court. Any person who shall tamper with, mutilate, remove, obliterate or otherwise affect the notice posted according to the provisions of Subsection (B) of this Section, other than a properly authorized City Official, shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). (Ord. No. 678 §§1--3, 3-24-94; Ord. No. 1248 §1, 1-11-07)

SECTION 210.432: MUNICIPAL PARKS -- TRESPASSING

It shall be a misdemeanor for any person, not a municipal employee, to be on the grounds of the municipal parks of the City of Marshfield, Missouri, between the hours of 10:00 P.M. and 5:00 A.M. without the express permission and authority of the Marshfield Board of Aldermen or the Marshfield City Park Board. (Ord. No. 1247 §1, 12-28-06)

ARTICLE VII. OFFENSES CONCERNING PROSTITUTION AND

MORALS

SECTION 210.435: ARTICLE DEFINITIONS

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION: A person patronizes prostitution if:

1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third (3rd) person having engaged in sexual conduct with him/her or with another;
2. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third (3rd) person will engage in sexual conduct with him/her or with another; or
3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value.

PROSTITUTION: A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third (3rd) person.

SEXUAL CONDUCT: Occurs when there is:

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.
2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.
3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another, done for the purpose of arousing or gratifying sexual desire of either party.

SOMETHING OF VALUE. Money or property or any token, object or article exchangeable for money or property.

SECTION 210.440: PROSTITUTION

A person commits the offense of prostitution if the person performs an act of prostitution.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.450: PATRONIZING PROSTITUTION

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.

SECTION 210.460: PROSTITUTION AND PATRONIZING PROSTITUTION -- SEX OF PARTIES NO DEFENSE, WHEN

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or
2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

SECTION 210.470: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.435 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

SECTION 210.480: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the crime of indecent exposure if he/she knowingly exposes his/her genitals or buttocks or a female exposes her breast(s) or is clothed in such a manner under circumstances in which he/she knows his/her conduct will reasonably cause alarm or embarrassment to other persons. (Ord. No. 1136 §1, 5-12-05)

SECTION 210.485: WINDOW PEEPING

No person shall look, peer or peep into, or be found loitering around or within view of any window of a building used for dwelling purposes, and not on his/her own property, with the intent of watching or looking through such window. (Ord. No. 276 §§1--2, 10-10-72)

ARTICLE VIII. OFFENSES CONCERNING PORNOGRAPHY

SECTION 210.490: DEFINITIONS

When used in this Article, the following terms shall have the meanings set out herein:

FURNISH: To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

MATERIAL: Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "*Material*" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

MINOR: Any person under the age of eighteen (18).

NUDITY: The showing of post-pubertal human genitals or pubic area with less than a fully opaque covering.

OBSCENE: Any material or performance is obscene if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

PERFORMANCE: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PORNOGRAPHIC FOR MINORS: Any material or performance is pornographic for minors if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors;
2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PROMOTE: To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT: Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SECTION 210.500: PROMOTING PORNOGRAPHY

A person commits the offense of promoting pornography for minors or obscenity if, knowing its content or character, he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain;
4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.510: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS

A person commits the offense of furnishing pornographic material to minors if, knowing its content and character, he/she:

1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor;
2. Produces, presents, directs or participates in any performance pornographic for minors

that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

ARTICLE IX. OFFENSES CONCERNING ALCOHOL AND DRUGS

SECTION 210.520: POSSESSION OF MARIJUANA

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control marijuana as defined in Section 195.010, RSMo.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.530: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.532: LIMIT ON OVER-THE-COUNTER SALE OF METHAMPHETAMINE -- EXCEPTIONS

- A. No person shall deliver in any single over-the-counter sale more than three (3) packages of any methamphetamine precursor drug or any combination of methamphetamine precursor drugs.
- B. This Section shall not apply to any product labeled pursuant to Federal regulation for use only in children under twelve (12) years of age, or to any products that the State Department of Health and Senior Services, upon application of a manufacturer, exempts by rule from this Section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors.
- C. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine or phenylpropanolamine products are available for sale who violates Subsection (A) of this Section shall not be penalized pursuant to this Section if such person documents that an employee training program was in place to provide the employee with information on the State and Federal regulations regarding ephedrine, pseudoephedrine or phenylpropanolamine.

SECTION 210.535: LIMITATIONS ON THE RETAIL SALE OF METHAMPHETAMINE PRECURSOR DRUGS

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
 1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs, calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
 2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.

- B. Any person holding a retail sales license pursuant to Chapter 144, RSMo., who knowingly violates Subsection (A) of this Section is guilty of a misdemeanor.
- C. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine or phenylpropanolamine products are available for sale who violates Subsection (A) of this Section shall not be penalized pursuant to this Section if such person documents that an employee training program was in place to provide the employee with information on the State and Federal regulations regarding ephedrine, pseudoephedrine or phenylpropanolamine.

SECTION 210.540: UNLAWFUL USE OF DRUG PARAPHERNALIA

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.550: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED -- EXCEPTIONS

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

SECTION 210.560: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS, PROHIBITED

- A. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any solvent, particularly toluol.
- B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 210.550 and this Section.

SECTION 210.570: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED -- VIOLATIONS OF SECTIONS 210.550 TO 210.560 -- PENALTY

- A. No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.550 and 210.560 hereof.
- B. Any person who violates any provision of Sections 210.550--210.570 is guilty of an ordinance violation.

SECTION 210.575: POSSESSION OR CONSUMPTION OF INTOXICATING LIQUOR, BEER OR WINE WITHIN CITY PARKS -- OFFENSE

When signs are erected so stating, no person shall possess or consume intoxicating liquor, beer or wine in any of the Marshfield City Parks, to-wit: The park at 798 South Marshall Street (Shook Field and the tennis courts); the park containing Garst Drive (the Marshfield Pool and Webster County Fairgrounds); the park located between North Marshall Street and Banning Street and Hubble Drive; Frisco Park; and Massey Park. (Ord. No. 488 §1, 9-12-85)

Cross reference--As to minor in possession, §600.060.

ARTICLE X. OFFENSES CONCERNING MINORS

SECTION 210.580: DEFINITIONS

For the purposes of this Article, the following words and phrases are defined as follows:

CRIMINAL ACT: An act which violates the Statutes of the United States, the Statutes of the State of Missouri or the ordinances of the City of Marshfield, including curfew and moving traffic violations.

GUARDIAN: Guardian appointed by court of competent jurisdiction.

MINOR: Any person under the age of seventeen (17).

PARENT: The natural father or mother, or the adoptive father or mother.

PARENTAL NEGLECT: Any act or omission by which a parent fails to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any criminal act.

SECTION 210.590: CURFEW FOR PERSONS UNDER SEVENTEEN

- A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the City of Marshfield between the hours of 12:01 A.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.
- B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly permit such person to violate this Section.
- C. *Notice To Parent.* Any Police Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer, who shall cause a written notice to be served upon the parent, guardian or person in charge of such person, setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such person who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first (1st) violation, shall be guilty of an offense.
- D. *Service Of Notice.* The written notice provided in Subsection (C) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section with any person found at such residence over the age of seventeen (17) years, or by mailing such notice to the last-known address of such parent, guardian or person in charge of such person, wherever such person may be found.

SECTION 210.600: PARENTAL RESPONSIBILITY

- A. Whenever a minor shall be arrested or detained for the commission of any criminal act within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Police Officer shall indicate such refusal on the notice.
- B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any criminal act. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second (2nd) or successive violation of any criminal act.
- C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to imprisonment for not more than ninety (90) days and/or a fine of not less than one hundred dollars (\$100.00) for the first (1st) violation, not less than two hundred dollars (\$200.00) for a second (2nd) violation, and not less than five hundred dollars (\$500.00) for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

ARTICLE XI. OFFENSES CONCERNING TOBACCO

SECTION 210.610: DEFINITIONS

Definitions. For purposes of this Article, the following definitions shall apply:

DISTRIBUTE: A conveyance to the public by sale, barter, gift or sample.

MINOR: A person under the age of eighteen (18).

PROOF OF AGE: A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS: Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE: A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING: The distribution to members of the general public of tobacco product samples.

TOBACCO PRODUCTS: Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

VENDING MACHINE: Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

SECTION 210.620: UNLAWFUL TO SELL OR DISTRIBUTE TOBACCO PRODUCTS TO MINORS -- VENDING MACHINE REQUIREMENTS

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall

be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (E) of this Section.

A determination of non-compliance may be made by a local law enforcement agency or the Division of Liquor Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

- C. No person or entity shall sell, provide or distribute any tobacco product or rolling papers to any minor, or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator who violates Subsection (A), (B) or (C) of this Section or Section 210.650 of this Article shall be penalized as follows:
 - 1. For the first (1st) offense, twenty-five dollars (\$25.00);
 - 2. For the second (2nd) offense, one hundred dollars (\$100.00); and
 - 3. For a third (3rd) and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section, in addition to the penalties established in Subsection (D) of this Section, shall be penalized in the following manner:
 - 1. For the first (1st) violation per location within two (2) years, a reprimand shall be issued by the Division of Liquor Control;
 - 2. For the second (2nd) violation per location within two (2) years, the Division of Liquor Control shall issue a citation prohibiting the outlet from selling tobacco products for a twenty-four (24) hour period;
 - 3. For the third (3rd) violation per location within two (2) years, the Division of Liquor Control shall issue a citation prohibiting the outlet from selling tobacco products for a forty-eight (48) hour period;
 - 4. For the fourth (4th) and any subsequent violations per location within two (2) years, the Division of Liquor Control shall issue a citation prohibiting the outlet from selling tobacco products for a five (5) day period.
- F. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
 - 1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding tobacco sales to minors. Such training program must be attended by all employees who sell tobacco products to the general public;
 - 2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors; and
 - 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Liquor Control.
- G. The exemption in Subsection (F) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:
 - 1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one (1) year period; or
 - 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.

- H. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.650, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.
- I. A person cited for selling, providing or distributing any tobacco product to any individual less than eighteen (18) years of age in violation of Subsection (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that:
 - 1. Such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- J. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

SECTION 210.630: MINORS PROHIBITED FROM PURCHASE OR POSSESSION OF TOBACCO -- MISREPRESENTATION OF AGE

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment, or an employee of the Division of Liquor Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.
- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes or tobacco products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
 - 1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;
 - 2. For a second (2nd) violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

SECTION 210.640: RETAIL SALES TAX LICENSE REQUIRED FOR SALE OF TOBACCO PRODUCTS

No person shall sell cigarettes or tobacco products unless the person has a retail sales tax license.

SECTION 210.650: REQUIRED SIGN STATING VIOLATION OF STATE LAW TO SELL TOBACCO TO MINORS UNDER AGE EIGHTEEN -- DISPLAY OF SIGN REQUIRED WHERE

The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

- 1. Contain in red lettering at least one-half (½) inch high on a white background the following:
"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO

PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES OR OTHER TOBACCO PRODUCTS"; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 18".

SECTION 210.660: RESTRICTIONS ON SALES OF INDIVIDUAL PACKS OF CIGARETTES

No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

SECTION 210.670: PROOF OF AGE REQUIRED, WHEN DEFENSE TO ACTION FOR VIOLATION IS REASONABLE RELIANCE ON PROOF -- LIABILITY

- A. A person or entity selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Liquor Control or any owner or employee of an establishment that sells tobacco, for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars (\$1,000.00), and confinement for not more than one (1) year, or by both such fine and imprisonment.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.620 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.620 on any single day.

CHAPTER 215: DOG REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 215.010: DEFINITIONS

AT LARGE: Off of the premises of the owner of the dog and not under the control of the owner or a member of his/her immediate family, either by leash or otherwise.

DOGS: All animals of the canine species, both male and female.

OWNER: Any person, firm, partnership or corporation owning, harboring or keeping a dog. (Ord. No. 458, 12-22-83)

SECTION 215.020: LICENSE REQUIRED

No dog owner shall keep or harbor more than three (3) adult dogs within the City limits of the City of Marshfield, Missouri. No dog owner shall keep or harbor any dog above the age of four (4) months within the City limits of Marshfield, unless a license has first been secured. Licenses shall be issued by the City Administrator of the City of Marshfield upon proper application and proof as herein set forth by the owner, at any time during the year to an owner of a dog, and such license shall be required for said dog either immediately after the owner becomes the owner of the dog, or upon said dog attaining the age of four (4) months, whichever comes first. Licenses shall expire on the thirty-first (31st) day of December next following their issuance. Dog licenses and dog tag evidencing said licenses are not transferable. (Ord. No. 458, 12-22-83; Ord. No. 876 §1, 3-25-99)

SECTION 215.030: AFFIXING OF TAGS

Each dog owner shall be responsible to acquire their dog license on or before the first (1st) day of January of each year. The owner shall be issued a dog tag upon securing the license. The owner shall cause the tag to be affixed by a permanent metal fastener to the collar of the dog so licensed in such a manner that the tag may be easily seen by officers and employees of the City of Marshfield. The owner is responsible for seeing that the dog tag is worn by such dog at all times. (Ord. No. 458, 12-22-83)

SECTION 215.040: METHOD OF SECURING LICENSE

To be eligible for licensing, each dog within the City limits of Marshfield, must have been vaccinated against rabies. Prior to securing a license, the owner shall show proof from a licensed veterinarian that the dog has been vaccinated against rabies for the period covered by the license. Upon proof of rabies vaccination the City Administrator shall keep a listing of licensed dogs by owner and shall procure a sufficient number of suitable metallic tags, the shape or color of which shall be different for each year; the City Administrator shall deliver one (1) appropriate tag to the owner of the dog upon proof of rabies vaccination and completion of appropriate application form. Duplicate tags can be provided upon proof of loss of current tags. (Ord. No. 458, 12-22-83)

SECTION 215.050: RUNNING AT LARGE -- IMPOUNDING

It shall be unlawful for the owner of any dog to let such dog run at large, whether bearing a license or not, at any time, within the City limits of Marshfield, and any dog or dogs found to be running at large may be impounded by any Police Officer of the City of Marshfield, or any other designated City official or employee of the City of Marshfield, or contractor of the City of Marshfield, at the facility used by the City of Marshfield, for the impounding of dogs. In effecting the capture of such dogs, the officer aforesaid are authorized and directed to use traps, nets, tranquilizer guns, or any other humane method. (Ord. No. 458, 12-22-83)

SECTION 215.060: NOTICE OF IMPOUNDMENT

Upon taking up and impounding any dogs herein provided, the Police Officer, designated City official, or City employee who takes up and impounds any dogs shall promptly post on the City Hall bulletin board a notice of impounding as follows:

NOTICE OF IMPOUNDING DOG

To Whom It May Concern:

Date: _____

I have this day taken up and impounded at the facilities used by the City of Marshfield, Missouri, for the impounding of dogs, which is located at _____. A dog answering to the following

description: Sex _____; Color _____; Breed _____; Age _____; City License

No. _____ Owner _____. Notice is hereby given and

unless said dog is claimed or redeemed on or before _____ o' clock (A.M., P.M.) on the _____ day of _____, 20____, the same will be destroyed as provided by ordinance.

Signed _____

(Ord. No. 458, 12-22-83)

SECTION 215.070: DATE OF DESTRUCTION AND DISPOSAL

The date of destruction and disposal of the dog shall be the fifth (5th) day after the posting of this notice, unless that day falls on a Sunday, or a holiday, in which case it shall be the following day. If a dog is impounded wearing a Marshfield City dog license, a copy of the foregoing notice will be served at the address of the owner as listed on the application for that dog license and an attempt will be made to notify the owner listed on the application for that dog license by telephone. (Ord. No. 458, 12-22-83; Ord. No. 876 §2, 3-25-99)

SECTION 215.080: MANNER OF RECLAIMING DOGS

- A. Any dog may be redeemed from the licensed veterinary facility used by the City of Marshfield to impound dogs by the owner of the dog within the time stated in the notice by payment to the City Administrator, or his/her duly authorized representative, of an impounding fee of ten dollars (\$10.00) plus the boarding charges accrued at the veterinary facility. There is an additional ten dollars (\$10.00) redemption surcharge for unspayed female dogs.
- B. Upon the presentation of a correct license tag and for the above fees provided in Subsection (A) above, the City Administrator, or his/her duly authorized representative, shall release to any owner the dog claimed by him.
- C. Any dog impounded which is not claimed as provided in Subsections (A) and (B) above, on the fifth (5th) day after impounding, shall be transported and delivered to the Greene County Humane Society in Springfield, Missouri, for adoption and/or destruction as determined by said Greene County Humane Society. (Ord. No. 458, 12-22-83; Ord. No. 876 §3, 3-25-99)

SECTION 215.090: PROHIBITIONS AND OFFENSES -- PENALTY

- A. It is hereby made unlawful for any person to take from any dog a tag legally placed upon it with the intent to place it upon another dog.
- B. It shall be unlawful for any dog owner to keep or harbor more than three (3) adult dogs, being dogs above the age of four (4) months, within the City of Marshfield, or to harbor or keep any unlicensed adult dog.
- C. It shall be unlawful for any person to abandon any dog within the corporate limits of the City of

Marshfield or to permit any dog abandoned by him/her in the vicinity of the corporate limits of the City of Marshfield to stray within the corporate limits of the City of Marshfield.

- D. It shall be unlawful for any unauthorized person to break open the facility used by the City of Marshfield for the impounding of dogs, or to attempt to take from any officer, Police Officer, designated City Official, employee or contractor any dog taken up by him/her in compliance with this Chapter, or in any manner to interfere with or hinder such officer, Police Officer, designated City Official, employee or contractor in the discharge of his/her duties under this Chapter.
- E. Any person, firm, partnership or corporation violating Section 215.050 or any of the provisions of this Section 215.090 of the Marshfield Municipal Code is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). (Ord. No. 458, 12-22-83; Ord. No. 876 §4, 3-25-99)

SECTION 215.100: POUND -- OPEN TO INSPECTION

The place where dogs are kept or impounded as herein provided shall be open to inspection at all reasonable times by any person who believes he/she might be the owner or keeper of a dog there impounded. (Ord. No. 458, 12-22-83)

SECTION 215.110: PROCEDURE WHEN PERSON BITTEN OR SCRATCHED BY ANIMAL

- A. The owner of any dog or cat which, through biting or scratching, breaks or abrades the skin of any person, regardless of the circumstances or whether the animal is vaccinated and registered or not, shall be required to place the animal in a veterinary hospital maintained by a licensed veterinarian for a period of ten (10) days following the evening of the day of the bite for clinical observation.
- B. All expenses shall be borne by the owner of the animal. If such animal develops symptoms suggestive of rabies, it shall be allowed to die a natural death or, if the animal should die while in confinement for any reason, the head of such animal shall be removed and submitted to any qualified official laboratory. When the Mayor or City Administrator, or their duly authorized representatives determine that an immediate examination of animal is proper, in order to provide for adequate protection of human life or safety, then the animal may be euthanized for purposes of examination before the lapse of ten (10) days. If at the end of the ten (10) day period, the animal is alive and in good health, it may be released to its owner.
- C. All dogs under clinical observation for rabies must fulfill all other conditions of this Chapter prior to release. (Ord. No. 737 §230.100, 5-25-95)

SECTION 215.120: PURSUIT AND IMPOUNDMENT OF ANIMALS SUSPECTED OF HAVING BITTEN OR SCRATCHED A PERSON

- A. *Pursuit.* Whenever a City Animal Control Officer or Police Officer of the City shall have reasonable grounds to believe that a person has been bitten or scratched by a dog, and shall have reasonable grounds to believe that a particular dog is guilty of having inflicted the bite or scratch, then such Officer shall be authorized to pursue such dog onto or into the property of any person whomsoever for the purpose of taking up such animal and impounding the same, and shall be authorized to enter any place, building or property of another when the Officer has reasonable grounds to believe that such dog is thereon or therein for the purpose of taking up such animal and impounding the same. Provided however, no Officer shall enter the dwelling place of another without first giving opportunity to the occupant thereof, if he/she can be found, to deliver such animal. It shall be unlawful for any person to interfere with any Officer proceeding in

accordance with the provisions of this Section.

- B. *Impoundment And Notification Of Owner.* When any such Officer shall have impounded any dog, it shall be the duty of the Animal Control Officer of the City of Marshfield, Missouri, to immediately notify the owner, if he/she is known, of such dog and it shall be the duty of such owner to comply with the provisions of this Section.
- C. *Search Warrant.* Whenever the Animal Control Officer of the City of Marshfield, Missouri, or a Police Officer of the City of Marshfield shall have probable cause to believe that an animal has bitten or scratched a person, such Officer may, in addition to other remedies provided in this Section, request that a warrant be issued to search for and seize such animal pursuant to the provisions of this Chapter. (Ord. No. 737 §230.200, 5-25-95)

SECTION 215.130: IMPOUNDMENT OF SUSPECTED OR RABID ANIMALS

Any dog which exhibits clinical symptoms suggestive of rabies as determined by any licensed veterinarian, the City Administrator, the City Animal Control Officer, or any Police Officer of the City of Marshfield, Missouri, shall be impounded on or off the property of the owner. This animal shall be held for ten (10) days in an impoundment from which it cannot escape and from which it cannot make physical contact with any other animal. All expenses of said impoundment shall be borne by the owner of the animal. If the animal is alive and in good health at the end of said ten (10) day period, it shall be returned to the owner after payment by the owner of all costs associated with said impoundment. (Ord. No. 737 §230.300, 5-25-95)

SECTION 215.140: ANIMALS EXPOSED TO RABIES

Any dog, cat, pet or rodent which has been exposed to rabies should be immediately destroyed, unless otherwise provided in this Chapter. If the owner is unwilling to do this, one (1) of the following alternatives must be followed:

1. Strict isolation in a kennel or animal hospital for six (6) months at the expense of the owner;
2. If no previous vaccination has been given within a period of three (3) years with LEP (Flury Strain) vaccine, or within one (1) year using vaccine of nervous tissue origin, administer post-exposure treatment and confine in a kennel for three (3) months. Post-exposure treatment may consist of administration of anti-rabies serum (0.5 ml./Kg.b.w.) followed by one (1) to three (3) doses chicken embryo vaccine within seven (7) days or fourteen (14) injections of nervous tissue vaccine.
3. If the animal has been vaccinated previously within one (1) year with nerve tissue or Kelev strain vaccine, or within three (3) years with flury strain vaccine, it is recommended that the animal be revaccinated and restrained by a leash or confined at home for thirty (30) days. (Ord. No. 737 §230.400, 5-25-95)

SECTION 215.150: MAYOR AND/OR CITY ADMINISTRATOR MAY ORDER QUARANTINE OF DOG

Whenever the Mayor and/or the City Administrator of the City of Marshfield, Missouri, shall deem it necessary because of the prevalence of rabies among the animal population of the City, County or State, strict quarantine may be placed on all dogs in the City. This proclamation shall be construed to mean that all dogs shall be confined in the owner's home or tied up or placed on a leash and under the direct physical control of a person at least fifteen (15) years of age. Violation of this regulation shall be an offense. Any dog found otherwise during such a quarantine shall be impounded. Dogs which are impossible to capture shall be shot, if the Mayor, City Administrator, City Animal Control Officer, or any member of the Marshfield

ARTICLE II. DANGEROUS DOGS

SECTION 215.160: DEFINITIONS

Whenever used in this Article, the following terms shall be defined as follows:

DANGEROUS DOG: Any dog that:

1. Has a known propensity, tendency or disposition to attack when unprovoked, upon the streets, sidewalks or any public grounds or places or upon the property of another, to cause injury or otherwise endanger the safety of human beings or domestic animals, or approaches a person in a menacing fashion or apparent attitude of attack;
2. Bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on private or public property; or
3. Is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

DOG: Any member of the species *canis familiaris*.

OWNER: Any person possessing, harboring, keeping or having control or custody of a dog or a City resident who has a financial interest in any dog.

SEVERE INJURY: Any physical injury which results in broken bones or lacerations requiring either multiple stitches or cosmetic surgery.

UNPROVOKED: Action by the dog not in response to being tormented, abused or assaulted by any person, or if the dog's action was not in response to pain or injury or to protect itself, its kennel or its offspring. (Ord. No. 737 §230.515, 5-25-95)

SECTION 215.170: ACQUISITION OF DANGEROUS DOG PROHIBITED

- A. No person shall knowingly sell, offer for sale, breed, buy or attempt to buy any dangerous dog within the City of Marshfield, Missouri. A dog deemed dangerous under the provisions of this Chapter shall not be sold or given away to any other resident of the City of Marshfield, Missouri.
- B. No person shall knowingly own, harbor, sell or offer for sale any dog which is to be used for the purpose of dog fighting or to be trained, tormented, badgered, baited for the purpose of causing or encouraging the dog to attack human beings or domestic animals when not provoked, unless such dog has been exempted by the Mayor of the City of Marshfield, Missouri, as a dog used in and by law enforcement authorities. (Ord. No. 737 §230.520, 5-25-95)

SECTION 215.180: ADJUDICATION AS DANGEROUS DOG

Upon receipt of a written complaint by any person, the Mayor, City Administrator, City Animal Control Officer, or the Chief of Police of the City of Marshfield, Missouri, after reviewing the facts of the complaint, may conduct a hearing to determine if such dog is dangerous. Such a hearing shall be conducted within twenty-five (25) days of the receipt of the complaint or seizure of the dog, whichever is later. The City shall provide notice to the owner of the dog, either in person or by certified mail, return receipt requested, and to the complainant by regular mail, of the date, time and location of the hearing, and in no event shall the hearing be conducted less than six (6) days after such notice has been mailed to the owner of the dog. At such hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. In the event the dog has caused injury to any person, the Mayor, City Administrator, City Animal Control Officer, or the Chief of Police may impound the dog with a licensed veterinarian at the owner's expense, pending the hearing and determination of the

complaint. If the Mayor, City Administrator, City Animal Control Officer, or City Chief of Police cannot, with due diligence, locate the owner of the dog that has been seized pursuant to this Section, said dog shall be impounded for no fewer than three (3) days. If, after no fewer than three (3) days, no person appears to claim that he/she is the dog's owner, or is an authorized agent of the owner, the Mayor, City Administrator, City Animal Control Officer, or Chief of Police is hereby designated as an authorized agent of the owner and may cause said dog to be humanely destroyed. (Ord. No. 737 §230.525, 5-25-95)

SECTION 215.190: SANCTIONS AGAINST DANGEROUS DOGS

Upon conclusion of a hearing as set forth in the previous Section, and upon a determination that the dog is dangerous at said hearing, the Mayor, City Administrator, City Animal Control Officer, or Chief of Police of the City of Marshfield, Missouri, may order the owner of the dog to comply with one (1) or more of the following, or any combination thereof:

1. The owner of a dangerous dog may be ordered to register such dog with the Animal Control Department of the City of Marshfield, Missouri, the application for such registration shall contain the name and address of the owner, the breed, age, sex, color and other identifying marks of the dog, the location of where the dog is to be kept, if not at the address of the owner, such other information as may be required. The application for registration pursuant to this Subsection shall be accompanied by a registration fee of twenty-five dollars (\$25.00). This fee shall not be effective until approved by a vote of the people. Each dog registered pursuant hereto shall be assigned an official registration number by the City of Marshfield, Missouri. Such registration number shall be inscribed on a metal tag which shall be attached to the dog's collar at all times. The tag and a certificate of registration shall be of such form and design and shall contain such information as the City Administrator shall prescribe and shall be issued to the owner upon payment of the registration fee and the presentment of sufficient evidence that the owner has complied with all orders as prescribed at the determination hearing.
2. *Confinement.* The Mayor or City Administrator may order the owners of a dangerous dog to confine the dog at all times either indoors, or if outdoors, in a proper enclosure for a dangerous dog which consists of a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, or any part of their bodies, and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and prevent the dog from digging his/her way out through the bottom. The pen or structure shall also provide the dog with protection from the elements. The owner shall also conspicuously display signs designed with a warning approved by the Mayor or City Administrator which indicates to both children and adults the presence of a dangerous dog, on the pen or structure, and on or near the entrances to the residence where the dog is kept. At any time such dog is not on the premises occupied by the owner, then the dog shall be muzzled in such a manner as to prevent it from biting or injuring any person, and kept on a leash not longer than six (6) feet with the owner or some other responsible person attending such dog, or confined in a location or facility approved by the Mayor or City Administrator. The operator or owner of such approved location or facility shall be informed by the owner of the status of the dog as a dangerous dog and any restrictions on the use, movement and boarding of the dog.
3. *Liability insurance.* The Mayor or City Administrator may order the owner of a dangerous dog which has caused a severe injury to any person to maintain, in full force and effect, a liability insurance policy in the amount of one hundred thousand dollars (\$100,000.00) for coverage against personal injury or death of any person, resulting from an attack from such dangerous dog, or to provide such proof of financial responsibility for personal injury or death of any person resulting from an attack from such dangerous

dog as the Mayor or City Administrator shall deem satisfactory and acceptable. Such proof of financial responsibility may include, but is not limited to, a bond or pledge of property.

4. *Spaying or neutering.* The Mayor or City Administrator may order the owner of the dangerous dog to arrange for the alteration of its reproductive capacity through spaying or neutering of such dangerous dog. Such alteration shall be at the owner's expense.
5. *Humane destruction.* The Mayor or the City Administrator may order the humane destruction of any dog which has been found to have killed or caused severe injury to any person or other domestic animal. (Ord. No. 737 §230.530, 5-25-95)

SECTION 215.200: DANGEROUS DOG OWNED BY MINOR

In the event the owner of a dangerous dog is a minor, the parent or guardian of such minor shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unapproved attack by such dangerous dog. (Ord. No. 737 §230.535, 5-25-95)

SECTION 215.210: SEIZURE AND/OR CONFINEMENT OF DANGEROUS DOG

- A. In the event that the owner of a dangerous dog violates any order of the Mayor or City Administrator as provided at the determination hearing, such dangerous dog may be seized and impounded by the City Animal Control Officer or any City Policeman upon the order of the Mayor or City Administrator. In addition, any dog shall be immediately seized by the Animal Control Officer, or any member of the Marshfield Police Department, if the dog bites or attacks a person or other domestic animal at the sufferance of its owner, or is engaged in or apparently engaged in a dog fight.
- B. In the event that a previously declared dangerous dog has been seized by the City of Marshfield, either by order of the Mayor or City Administrator, or after such dog bites or attacks a person, the Mayor or City Administrator shall conduct a hearing to determine if the dog should be returned to the owner or forfeited. Such hearing shall be conducted no sooner than eight (8) days from the date of seizure, and the Mayor or City Administrator shall provide written notice of such hearing either in person or by certified mail, return receipt requested, to the owner of the dog. In no event shall such hearing be conducted within five (5) days after such notice has been mailed to the owner of the dog.
- C. After such hearing has been conducted, the Mayor or City Administrator may either order that the dog be returned to the owner, or declare that the dog has been forfeited. In addition, the owner shall be subject to any penalties prescribed in the Marshfield Municipal Code. (Ord. No. 737 §230.540, 5-25-95)

SECTION 215.220: EXCUSED BEHAVIOR

No dog shall be declared dangerous pursuant to any Section of this Chapter if the threat, injury or damage caused by such dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, or has in the past been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime. Nor shall any dog be declared dangerous if it was responding to pain or injury, or was protecting itself, its kennel or its offspring. (Ord. No. 737 §230.545, 5-25-95)

SECTION 215.230: ENFORCEMENT -- SEARCH AND SEIZURE

- A. The City Animal Control Officer and/or any member of the Marshfield Police Department, and

other persons designated by the Mayor or City Administrator shall be empowered to enforce the provisions of this Article, or any rule or regulation promulgated hereunder.

- B. Persons authorized to enforce the provisions of this Article, or any rule or regulation promulgated hereunder shall have the authority to seek and execute search and seizure warrants as is determined necessary. (Ord. No. 737 §230.550, 5-25-95)

SECTION 215.240: EXEMPTION

The provisions of this Article shall not apply to any Federal, State or City Law Enforcement Agency or dog specifically exempted by order of the Mayor or City Administrator because of said dog's work in law enforcement. (Ord. No. 737 §230.555, 5-25-95)

SECTION 215.250: SEVERABILITY

If any provision of this Article is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of the Article. (Ord. No. 737 §230.560, 5-25-95)

SECTION 215.260: VIOLATIONS AND PENALTIES

Any person who violates any provisions of this Article shall be guilty of an offense and shall, upon conviction therefore, be deemed guilty of a misdemeanor and be fined a sum of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment. (Ord. No. 737 §230.565, 5-25-95)

ARTICLE III. KENNEL REGULATIONS

SECTION 215.270: DEFINITIONS

As used in this Article, the following words shall have the meaning ascribed to them in this Section, unless the context otherwise indicates:

DOMESTICATED HOUSEHOLD ANIMAL: Any of various animals domesticated by man so as to live and breed in a tame condition. Domesticated household animals shall not include animals which are kept for the purpose of utility rather than pleasure.

KENNEL: A place or establishment, other than a pound or animal shelter, where domesticated household animals, not owned by the proprietor, are sheltered, fed, watered or groomed in return for a consideration. (Ord. No. 809 §1, 5-8-97; Ord. No. 1190 §1, 1-12-06)

SECTION 215.280: KENNELS

- A. Any person who shall own or operate a place or establishment, other than a pound or animal shelter, where domesticated household animals, not owned by the proprietor, are sheltered, fed, watered or groomed in return for a consideration shall be considered the owner or operator of a kennel. Such owner shall file application therefore on a form provided by the City Clerk, which application shall provide information to indicate whether or not the proposed kennel and its operation will violate any provisions of State and City laws and ordinances. If it appears that such kennel and the operation thereof will not be in violation of State and City laws, the City Clerk shall issue a kennel license to said applicant upon the payment of the required fee as set forth in Section 605.020 of this Code.
- B. Such license shall permit the applicant to operate such kennel described in the application for a

period of one (1) year, unless said license is revoked; and any violation of the Subsections of this Section shall constitute sufficient cause for revocation of such license.

- C. Kennel premises shall be maintained in a clean and satisfactory and sanitary condition at all times and sanitary methods shall be used to obliterate or prevent any offensive odors. The humane officer, City Health Officer and the City Police shall have the right to inspect such kennels at reasonable hours.
- D. If a kennel is licensed to operate within two hundred (200) feet of a building used or occupied as a residence, except for the keeper of the kennels, the kennel animals shall not be allowed to run at large or be in the outdoor enclosures of the kennel unless the animals are continuously supervised and that such activity does not disturb the peace of adjoining property owners.
- E. All kennel animals shall be fed, maintained and housed in separate compartments and are not to come in physical contact with other animals except as set forth in Subsection (D) above or in cases of mothers and their young. The inside and outside spaces shall be completely cleaned at least twice per day. (Ord. No. 809 §2, 5-8-97; Ord. No. 1189 §1, 1-12-06)

SECTION 215.290: VIOLATION IS AN OFFENSE

Any owner or keeper of a dog, or any person in charge or having custody and control of a dog, who shall violate any of the provisions of this Article, or who shall keep or maintain a kennel shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period of not to exceed ninety (90) days, or by both fine and imprisonment. (Ord. No. 809 §3, 5-8-97)

CHAPTER 220: CAT AND OTHER ANIMAL REGULATIONS

SECTION 220.010: DEFINITIONS

As used in this Chapter, the following words shall have the meaning ascribed to them in this Section, unless the context otherwise indicates:

ANIMAL: Shall be construed to mean any four (4) legged beast of the animal world, or any bird, fowl or reptile, both male and female, otherwise lawfully within the City Marshfield, Missouri.

AT LARGE: Shall be construed to mean off the premises of the owner or keeper of such cat or other animal and not on leash control by some person physically able to prevent the cat or other animal from escaping.

CAT: Shall be construed to mean any of the family felidae or of the domestic cat, both males and females.

LEASH: Shall be construed to mean a leash, cord, chain, leather strap, or line for leading or restraining a cat or other animal, being no longer than twelve (12) feet in length.

OWNER: The word "owner" or "keeper" shall be construed to mean any person owning, keeping, bringing in, harboring or feeding a cat or other animal within the corporate limits of the City of Marshfield, Missouri. (Ord. No. 592 §1, 4-11-91)

SECTION 220.020: OWNER TO RESTRAIN -- KEEPING ON LEASH

The owner or keeper of any cat or other animal within the limits of the City of Marshfield, Missouri, shall keep said cat or other animal restrained or confined on the premises occupied by the owner or keeper thereof, except that such owner or keeper may permit such cat or other animal to be held by leash when walking or running over any street, alley, thoroughfare or public park or grounds within the corporate limits of the City of Marshfield, Missouri. (Ord. No. 592

SECTION 220.030: RUNNING AT LARGE -- IMPOUNDING

Any cat or other animal running at large or in the violation of the leash law may be picked up and impounded by the City Police or any employee of the City, and the owner or keeper thereof shall be notified as soon as is reasonably possible. Any owner or keeper redeeming a cat or other animal from impoundment shall, before release, pay an impoundment charge of ten dollars (\$10.00), plus boarding charges for each twenty-four (24) hours, or fraction thereof, that such cat or other animal has been impounded. If the owner or keeper of an impounded cat or other animal cannot be identified and found, or if an impounded cat or other animal is not redeemed by the owner or keeper within five (5) days after impoundment, such cat or other animal may be given up for adoption or disposed of in a humane manner by transporting and delivering said cat or other animal to the Greene County Humane Society. The cost of the same shall be charged to the owner or keeper thereof, if such owner or keeper can be identified. (Ord. No. 592 §3, 4-11-91; Ord. No. 875 §1, 3-25-99)

SECTION 220.040: INTERFERENCE WITH OFFICERS

It shall be unlawful for any unauthorized person to break open the pound or to attempt to do so, or to take or let out any cat or other animal therefrom, or to take or attempt to take from any City Officer or employee any cat or other animal taken up by such officer or employee in compliance with this Chapter or in any manner to interfere with or hinder such officer or employee in the discharge of that officer's or employee's duties under this Chapter. (Ord. No. 592 §4, 4-11-91)

SECTION 220.050: ANNOYING CAT OR OTHER ANIMALS

No person shall own, keep or harbor upon his/her premises any cat or other animal making loud or frequent or habitual yelping or howling or noise, or by threat of attacking or biting, causes fear, annoyance, or disturbs the peace of the neighborhood, or to persons passing upon the streets or sidewalks of the City, and the same is hereby declared to be a public nuisance. (Ord. No. 592 §5, 4-11-91)

SECTION 220.060: ABANDONMENT OF CATS AND OTHER ANIMALS

It shall be unlawful for any owner or keeper of a cat or other animal to abandon such cat or other animal within the corporate limits of the City of Marshfield, Missouri, or to knowingly permit or encourage any cat or other animal abandoned by such owner or keeper in the vicinity of the corporate limits of the City of Marshfield, Missouri, to stray within the corporate limits of said City. (Ord. No. 592 §6, 4-11-91)

SECTION 220.070: CATTERIES

Any person who shall own or keep or harbor upon his/her premises more than three (3) cats which are over the age of four (4) months shall be deemed to be the owner or keeper of a cattery. Catteries within the City of Marshfield, Missouri, are declared to be a public nuisance and shall hereafter be prohibited within the corporate limits of said City. (Ord. No. 592 §7, 4-11-91; Ord. No. 875 §2, 3-25-99)

SECTION 220.080: RABIES VACCINATION

The owner or keeper of any cat or other animal subject to contracting rabies and to vaccination against the same who shall own, keep or bring such cat or other animal within the corporate limits of the City of Marshfield, Missouri, shall have such cat or other animal vaccinated against rabies and display the proper metal tag as provided by the veterinary, and the owner or keeper thereof shall have in their possession a current certificate issued by a licensed doctor of veterinary medicine, certifying that such cat or other animal has been vaccinated against the disease of rabies. Any cat or other animal which is found within the corporate limits of the City of Marshfield, Missouri, and which has not been so vaccinated against rabies may be impounded or destroyed in accordance with the terms of this Chapter. (Ord. No. 592 §8, 4-11-91)

SECTION 220.090: VIOLATION IS AN OFFENSE

Any owner or keeper of a cat or other animal, or any person in charge of or having custody and control of a cat or other animal, who shall violate any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Each and every occurrence shall be an additional violation and a separate offense subject to fine. (Ord. No. 592 §9, 4-11-91)

CHAPTER 225: ANIMAL AND FOWL REGULATIONS

SECTION 225.010: UNLAWFUL TO RUN AT LARGE

It is hereby declared unlawful for any animal or animals of the species of horse, mule, ass, cattle, sheep, goat, swine, or domestic fowl of the species of goose, duck, turkey, guineas, or chicken to be or run at large within the corporate limits of the City of Marshfield, The owner of such animal running at large shall be subject to a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). (Ord. No. 23 §1, 3-26-52)

SECTION 225.020: RESTRAINING ANIMALS AND FOWL

The designated official shall immediately take up and restrain any animal or fowl found at large in violation hereof, and any person finding any animal or fowl, at large in violation hereof, of this Chapter, may take the same in charge and deliver it into the charge or possession of the designated official without unnecessary delay. (Ord. No. 23 §3, 3-26-52)

SECTION 225.030: OFFICIAL TO CARE FOR ANIMAL OR FOWL

Upon taking charge or possession of any animal or fowl under the provisions hereof, of this Chapter, the designated official shall confine same in safe enclosure or pound, and shall properly care for and feed the same. (Ord. No. 23 §4, 3-26-52)

SECTION 225.040: MANNER OF RECLAIMING

The owner, keeper or person in charge of any such impounded animal or fowl may reclaim the same at any time before the sale by paying all fees, costs and expenses as herein after provided and making satisfactory proof of ownership or authority. (Ord. No. 23 §5, 3-26-52)

SECTION 225.050: UNCLAIMED -- SALE

If any such impounded animal or fowl shall not be reclaimed and redeemed as herein before provided, the designated official shall sell the same at public auction to the highest bidder for cash giving not less than five (5) days' notice of the time, terms and place of sale and the property to be sold by posting five (5) handbills in as many public places in the City, one (1) of which places shall be the Courthouse door. (Ord. No. 23 §6, 3-26-52)

SECTION 225.060: SALE TO COVER COSTS

Upon the sale of any such impounded animal or fowl the designated official shall from the proceeds pay all fees, expenses and costs, as herein provided, after which he/she shall pay the surplus thereof into the City Treasury, taking a receipt therefor. (Ord. No. 23 §7, 3-26-52)

SECTION 225.070: OWNER MAY COLLECT SURPLUS FROM SALE

After the surplus from the sale of any impounded animal or fowl shall have been paid the City Treasury the owner or person in charge thereof, if properly authorized, may upon order of the Board of Aldermen, after making satisfactory proof, of ownership, receive the said surplus so deposited in the Treasury. (Ord. No. 23 §8, 3-26-52)

SECTION 225.080: ENFORCEMENT -- FAILURE OF OFFICER

It shall be the duty of the designated official to see that the provisions of this Chapter are properly enforced, and for any wilful or negligent failure to perform his/her duties hereunder, he/she shall be deemed guilty of a misdemeanor and upon conviction pay a penalty of not more than ten dollars (\$10.00). (Ord. No. 23 §9, 3-26-52)

SECTION 225.090: INTERFERING WITH OFFICIAL

If any person shall obstruct, resist, hinder, or interfere with the designated official while in the discharge of his/her duties under the provisions hereof, or shall break, injure, destroy, tear down, open or in any manner render useless or unsafe any pound or enclosure owned, kept, or hired by the City for the purpose of this Chapter, or shall take or release therefrom any animal or fowl taken up or restrained hereunder, he/she shall be deemed guilty of a misdemeanor and upon conviction pay a penalty of not more than one hundred dollars (\$100.00) for each offense, and in addition the actual damages. (Ord. No. 23 §10, 3-26-52)

SECTION 225.100: GRAZING UPON STREETS

Every person who shall within the corporate limits of the City of Marshfield, herd or graze any animal or animals of the species of horse, mule, ass, cattle, sheep, goats, or swine upon any street, alley or common of said City or shall lariat out any animal or animals of said species so as to permit such animal or animals to graze upon any of the streets, alleys, or commons of said City, and every owner of any animal or animals of said species who shall knowingly permit any other person or persons to herd, graze, or lariat such animal or animals upon any street, alley or commons of the said City shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars (\$100.00). (Ord. No. 23 §11, 3-26-52)

SECTION 225.110: DUTY OF OFFICER -- ENFORCEMENT

It shall be the duty of the designated official to see that the provisions of this Chapter are

enforced, and in addition to arresting all violators thereof, said official shall take into his/her possession all animals found on the streets, alleys or commons of said City in violation of this Chapter and said animals shall be dealt with the same as animals found running at large in said City. (Ord. No. 23 §12, 3-26-52)

SECTION 225.120: DANGEROUS ANIMALS -- PROHIBITING THE KEEPING OR HARBORING THEREOF

- A. The keeping or harboring of dangerous animals, other than dogs, within the City is hereby prohibited. Other than as provided herein, the Animal Control Officer shall have the authority and responsibility to declare an animal dangerous because of past behavior, violations, potential spread of zoonotic disease or the inherently dangerous nature of the animal to persons. Such declaration shall be made in writing and shall include the date and reasons for the declaration. Upon request, the Animal Control Officer shall provide a copy of the written declaration to the requesting person. Such declaration shall be grounds for the impoundment and destruction of any such animals unless, without danger to the public, such animal can be, and is, removed from the City within forty-eight (48) hours after being declared dangerous. If such animal is found again in the City limits, it will be immediately seized and promptly destroyed or disposed of in some other manner as permitted by law including, but not limited to, giving such animal to a licensed refuge or zoo.
- B. With the exception of insectivorous animals, it is unlawful to keep or harbor any carnivorous or omnivorous animal including, but not limited to, non-human primates; all non-domestic cats, including bobcats and lynx, ocelots, mountain lions, tigers, panthers, lions or any wild/domestic cat hybrids; wolves; wolf/dog hybrids with any percent of wolf percentage; raccoons; skunks, foxes, poisonous snakes, crocodiles; alligators; caimans; emu; eagles; hawks or other large fowl. This Section does not apply to domestic livestock, small fowl, domestic dogs, domestic cats and small rodents of varieties used for laboratory purposes. Snakes shall be kept in locked, escape-proof cages, except when being handled. It shall be a violation of this Article for an owner, keeper, harborer or handler to permit a snake or lizard to escape. Notwithstanding the foregoing, the provisions of this Section shall not apply to a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, or any special events in which these prohibited animals are displayed after the Animal Control Officer has made sufficient investigation to ensure the safety of such display.
- C. The keeping or maintaining of one (1) or more hives of any common honey bee or other bees kept for the production of honey or wax, or to maintain an apiary, shall be considered a violation of this Section, unless the following conditions have been met:
 - 1. Hives shall not be located within one hundred (100) feet of any property line, public street, sidewalk or public way; and
 - 2. Hives shall be kept only in areas zoned agricultural. (Ord. No. 978, 5-9-02; Ord. No. 1037 §1, 10-9-03; Ord. No. 1175 §1, 10-13-05)

SECTION 225.130: ANIMAL ABANDONMENT AND NEGLECT -- PENALTIES

- A. *Animal Neglect Prohibited.* A person is guilty of animal neglect when he or she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.
- B. *Animal Abandonment Prohibited.* A person is guilty of animal abandonment when he or she has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. *Adequate Care.* "Adequate care" shall mean the normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species. "Adequate control" shall mean to reasonably restrain or govern

an animal so that the animal does not injure itself, any person, any other animal or property.

- D. Animal neglect and animal abandonment are ordinance violations. For a first (1st) offense of a violation of either of these offenses, a term of imprisonment not to exceed fifteen (15) days or a fine not to exceed five hundred dollars (\$500.00) or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent offense of a violation of either of these offenses, a term of imprisonment not to exceed ninety (90) days or a fine not to exceed five hundred dollars (\$500.00) or both such fine and imprisonment may be imposed. All fines and penalties for a first (1st) conviction of animal neglect and animal abandonment may be waived by the court provided that the person found guilty of animal neglect or animal abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.
- E. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal abandonment to pay all reasonable costs and expenses necessary for:
1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
 2. The disposal of any dead or diseased animals within the person's custody or ownership;
 3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
 4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals. (Ord. No. 1032, 9-25-03)

SECTION 225.140: ANIMAL ABUSE -- PENALTIES

- A. *Animal Abuse Prohibited.* A person is guilty of animal abuse when he or she:
1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
 2. Purposely or intentionally causes injury or suffering to an animal; or
 3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.
- B. *Adequate Care.* "Adequate care" shall mean the normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species. "Adequate control" shall mean to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.
- C. Animal abuse is an ordinance violation. For a first (1st) offense of a violation of this offense, a term of imprisonment not to exceed fifteen (15) days or a fine not to exceed five hundred dollars (\$500.00) or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent offense of a violation of this offense, a term of imprisonment not to exceed ninety (90) days or a fine not to exceed five hundred dollars (\$500.00) or both such fine and imprisonment may be imposed. (Ord. No. 1033, 9-25-03)

CHAPTER 230: SOLID WASTE

SECTION 230.010: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

BULKY RUBBISH: Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional or

agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available therefor.

CITY: The City of Marshfield, Missouri.

COLLECTION: Removal of solid waste from its place of storage to the transportation vehicle.

COMMERCIAL SOLID WASTE: All solid waste generated from a source other than a dwelling unit.

CONTRACTOR: Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the City.

CURBSIDE: A location adjacent to and not more than five (5) feet from any street.

DISPOSABLE SOLID WASTE CONTAINER: Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-nine (39) gallons or, if specifically designated for storage of solid waste, a maximum of fifty-five (55) gallons.

DWELLING UNIT: Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating. Units of multiple-housing facilities may be billed as dwelling units upon request by the owner of said dwelling units.

GARBAGE: Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

HAZARDOUS WASTES: Any waste or combination of wastes, as determined by the Hazardous Waste Management Commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a present or potential threat to the health of humans or the environment.

MAJOR APPLIANCES: Clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators and freezers.

OCCUPANT: Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON: Any natural individual, firm, partnership, trust, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; and as applied to corporations, it includes the officers, agents or employees thereof who are responsible for the act referred to.

PROCESSING: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

PROHIBITED ITEMS: Items which are eliminated by State law from being disposed of in a solid waste disposal area including, but not limited to, major appliances, waste oil, lead acid batteries, waste tires and the like as the same may be now or hereafter defined by State law.

RESIDENTIAL SOLID WASTE: Solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE: Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. Solid waste does not include "Yard Waste" as defined herein.

SOLID WASTE CONTAINER: Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL: The process of discarding or getting rid of unwanted material. In

particular the final disposition of solid waste by man.

SOLID WASTE MANAGEMENT: The entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE: Keeping, maintaining or storing solid waste from time of its production until the time of its collection.

TRANSPORTATION: The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

SECTION 230.020: SOLID WASTE STORAGE

- A. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment and to maintain such solid waste containers at all times in good repair.
- B. The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the City for a period longer than ten (10) days.
- C. Residential solid waste shall be stored in containers of not more than thirty-nine (39) gallons nor less than twenty (20) gallons in nominal capacity, except that residential solid waste may be stored in trash bags of adequate strength in a size not to exceed fifty-five (55) gallons. All containers, including bags, shall be leakproof and waterproof, fly-tight and properly covered, tied or enclosed, except when depositing waste therein or removing the contents thereof. Containers other than bags shall have handles, bails or other suitable lifting devices or features. Containers other than bags shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container, including bags and its contents, shall not exceed seventy-five (75) pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used in addition to bags. Disposable solid waste containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste. Galvanized metal containers or rubber, fiberglass or plastic containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the Board. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 230.070.
- E. Solid waste containers which are not approved will be collected together with their contents and disposed of.

SECTION 230.030: COLLECTION OF SOLID WASTE

- A. The City shall provide for the collection of solid waste as follows:
 - 1. *Collection of residential solid waste.* The City shall provide for the collection of residential solid waste in the City, provided however, that the City may provide the collection service by contracting with a person, County or other City or a combination thereof for the entire City or portions thereof as deemed to be in the best interests of the

City.

2. *Other collections.* The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises in a manner approved by City. If and when the City does provide commercial collection service, the provisions herein concerning such service shall apply.
- B. All solid waste from premises to which collection services are provided under contract with the City shall become the property of the collection agency upon being loaded into the transportation equipment.
- C. Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at curbside for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from curbside no later than 8:00 P.M. on the day of collection. No alley service shall be allowed under the terms of this Chapter, except as approved by the Board of Aldermen.
- D. Individuals desiring the collection of bulky rubbish shall deal directly with those licensed by the City for the collection of the same.
- E. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.
- F. It shall be the responsibility of the occupants of each dwelling unit to prepare, package and deliver solid waste to curbside for collection as prescribed in this Chapter and as it may be amended from time to time.
- G. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.
- H. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.
- I. The following collection frequencies shall apply to collections of solid waste within the City: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected once weekly and shall be collected at such lesser intervals as may be fixed by the Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
- J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out-of-doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.
- K. All solid waste collectors operating under contract with the City or otherwise collecting solid waste within the City limits shall be responsible for the collected solid waste from the point of collection to the point of disposal, provided the solid waste was stored in compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.
- L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the City to make such collection or dispose of rubbish, garbage or waste materials between the hours of 9:00 P.M. and 7:00 A.M.

SECTION 230.040: TRANSPORTATION OF SOLID WASTE

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or, as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers. Provided however, other vehicles may be used to transport bulky rubbish which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board.
- B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Section and Section 230.050.

SECTION 230.050: DISPOSAL OF SOLID WASTE

- A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.255, RSMo., and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.
- B. The Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board which will meet all local, State and Federal regulations.

SECTION 230.060: PERMITS

- A. No person, including any person contracting with the City for the collection of solid waste, shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without first obtaining an annual permit therefor from the City; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit. Permits shall be approved by the City Administrator.
- B. No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than one hundred thousand dollars (\$100,000.00) for each person injured or killed, and in the amount of not less than three hundred thousand dollars (\$300,000.00) in the event of injury or death of two (2) or more persons in any single accident, and in an amount of not less than fifty thousand dollars (\$50,000.00) for damage to property. Such policy may be written to allow the first one thousand dollars (\$1,000.00) of liability for damage to property to be deductible. Should any such policy be canceled, the City shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation and provisions to that effect shall be incorporated in such policy. Any subcontractor shall provide insurance coverage in like amount as is required of the contractor.
- C. Each applicant for any such permit shall state in his/her application therefor:

1. The nature of the permit desired as to collect, transport, process or dispose of solid waste or any combination thereof;
 2. The characteristics of solid waste to be collected, transported, processed or disposed;
 3. The number of solid waste transportation vehicles to be operated thereunder;
 4. The precise location or locations of solid waste processing or disposal facilities to be used;
 5. Boundaries of the collection area;
 6. If for processing or disposal, a copy of a permit issued by the State of Missouri; and
 7. Such other information as required by the City.
- D. If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and is in conformity with the laws of the State of Missouri and this Chapter and is approved by the City, the City Clerk shall, upon receiving the City Administrator written approval of application, issue the permit authorized by the ordinance. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefor a fee of twenty-five dollars (\$25.00) for each transportation vehicle to be used. If, in the opinion of the City Clerk, modifications can be made to the application regarding service, equipment or mode of operation so as to bring the application within the intent of this Chapter, the City Clerk shall notify the applicant in writing setting forth the modification to be made and time in which it shall be done.
- E. If the applicant does not make the modifications pursuant to the notice in Subsection (D) hereof, within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will not create a public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the City Clerk, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of his/her application, provided that all aspects of the reapplication comply with the provisions of this Chapter.
- F. The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Subsections (B) and (C). No permits authorized by the ordinance shall be transferable from person to person.
- G. In order to ensure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the City Administrator is authorized to inspect all phases of solid waste management within the City of Marshfield. No inspection shall be made of any residential waste unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter concerning processing or disposal of solid waste or the laws of the State of Missouri, the City shall issue notice for such violation stating therein the violation or violations found, the time and date, and the corrective measure to be taken together with the time in which such corrections shall be made.
- H. In all cases, when the corrective measures have not been taken within the time specified, the City shall suspend or revoke the permit or permits involved in the violation; however, in those cases where an extension of time will permit correction and there is not a public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.
- I. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the City Administrator may within thirty (30) days of the act for which redress is sought appeal directly to the Circuit Court of Webster County, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

SECTION 230.070: RULES AND REGULATIONS

- A. The Board may make, amend, revoke and enforce reasonable and necessary rules and regulations

governing, but not limited to:

1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
 2. Specifications for solid waste containers including the type, composition, equipment, size and shape thereof.
 3. Identification of solid waste containers, and of the covers thereof, and of equipment thereto appertaining, if any.
 4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 5. Storage of solid waste in solid waste containers.
 6. Sanitation, maintenance and replacement of solid waste containers.
 7. Schedules of and routes for collection and transportation of solid waste.
 8. Collection points of solid waste containers.
 9. Collection, transportation, processing and disposal of solid waste.
 10. Processing facilities and fees for the use thereof.
 11. Disposal facilities and fees for the use thereof.
 12. Records of quantity and type of wastes received at processing and/or disposal facilities.
 13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The City Clerk or such other City Official who is responsible for preparing utility or other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for, subject to the approval of the Board.
- C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

SECTION 230.080: PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.
2. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, those of a solid waste collection agency operating under contract with the City, or any duly licensed collector.
3. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health.
4. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked.

SECTION 230.090: BONDS

The Board may require performance or payment bonds of any solid waste collection agency prior to issuing permits to so operate.

CHAPTER 235: FAIR HOUSING CODE

ARTICLE I. DISCRIMINATORY PRACTICES

SECTION 235.010: UNLAWFUL HOUSING PRACTICES

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.
2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability or familial status.
3. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, ancestry, sex, disability or familial status, or an intention to make any such preference, limitation or discrimination.
4. To represent to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, disability or familial status.
6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that buyer or renter.
7. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
 - a. That person;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that person.

B. For purposes of Sections 235.010, 235.020 and 235.030, discrimination includes:

1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
 - a. The public use and common use portions of such dwellings are readily accessible to

- and usable by persons with a disability.
- b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs.
- c. All premises within such dwellings contain the following features of adaptive design:
 - (1) An accessible route into and through the dwelling;
 - (2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family dwelling*" means:
 - 1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
 - 2. Ground floor units in other buildings consisting of four (4) or more units.
- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

SECTION 235.020: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, disability or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, national origin, ancestry, sex, disability or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given.

SECTION 235.030: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings on account of race, color, religion, national origin, ancestry, sex, disability or familial status.

SECTION 235.040: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED-- EXCEPTIONS

- A. All persons within the City of Marshfield are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry or disability.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold

from or deny any other person or to attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services or privileges made available in any place of public accommodation, as defined in Section 213.010, RSMo., and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry or disability.

- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 213.010, RSMo., and this Section.

SECTION 235.050: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice:

1. To aid, abet, incite, compel or coerce the Commission of acts prohibited under this Chapter or to attempt to do so;
2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, as it relates to employment, disability or familial status as it relates to housing; or
4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

SECTION 235.060: EXEMPTIONS

- A. Nothing in this Chapter shall be construed to:
1. Require the Commission to review or approve the plans, designs or construction of all covered dwellings to determine whether the design and construction of such dwellings are consistent with the requirements of Subsection (B)(3) of Section 235.010.
 2. To invalidate or limit any law of the State or of the City that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.
- B. Nothing in Sections 235.010, 235.020 and 235.030:
1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
 3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit

a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 235.010, shall apply to:

1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
 - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one (1) time; and
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period.
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

TITLE III. TRAFFIC CODE

CHAPTER 300: GENERAL PROVISIONS

SECTION 300.010: MODEL TRAFFIC CODE -- ADOPTION AND EXCEPTIONS

Chapter 300, RSMo., consisting of Sections 300.010 through 300.600, as herein amended and amended from time to time by the State legislature, commonly known as the "Model Traffic Ordinance" is hereby adopted, with certain amendments, as and for the traffic ordinance of this City with the exception of the following Sections: 300.010(40), 300.015, 300.020, 300.035, 300.055, 300.070, 300.105.1(2), 300.310 and 300.320. All references to Traffic Division in the Model Traffic Ordinance are changed to read Police Department. All references to streetcars have been deleted.

SECTION 300.020: DEFINITIONS

The following words and phrases, when used in this Title, mean:

ALLEY OR ALLEYWAY: Any street with a roadway of less than twenty (20) feet in width.

ALL-TERRAIN VEHICLE: Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator and handlebars for steering control.

AUTHORIZED EMERGENCY VEHICLE: A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the State Highway Patrol, Police or Fire

Department, Sheriff, Constable or Deputy Sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls.

BUSINESS DISTRICT: The territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT: All streets and portions of streets within the area described by City ordinance as such.

COMMERCIAL VEHICLE: Every vehicle designed, maintained or used primarily for the transportation of property.

CONTROLLED ACCESS HIGHWAY: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

CROSSWALK:

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER: Every person who drives or is in actual physical control of a vehicle.

FREIGHT CURB LOADING ZONE: A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INTERSECTION:

1. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY: A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

MOTOR VEHICLE: Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

MOTORCYCLE: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE: Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

OFFICIAL TIME STANDARD: Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in the City.

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

PARK OR PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PASSENGER CURB LOADING ZONE: A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN: Any person afoot.

PERSON: Every natural person, firm, co-partnership, association or corporation.

POLICE OFFICER: Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

RAILROAD: A carrier of persons or property upon cars operated upon stationary rails.

RAILROAD TRAIN: A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

RESIDENCE DISTRICT: The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY: The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one (1) grants precedence to the other.

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

STAND OR STANDING: The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STOP: When required, complete cessation from movement.

STOP OR STOPPING: When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

STREET OR HIGHWAY: The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "State highway", a highway maintained by the State of Missouri as a part of the State highway system.

THROUGH HIGHWAY: Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this Title.

TRAFFIC: Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL: Any device, whether manually, electrically or mechanically

operated, by which traffic is alternately directed to stop and to proceed.

VEHICLE: Any mechanical device on wheels designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers, or motorized wheelchairs operated by handicapped persons.

CHAPTER 305: TRAFFIC ADMINISTRATION

SECTION 305.010: RECORDS OF TRAFFIC VIOLATIONS

- A. The Police Department shall keep a record of all violations of the traffic ordinances of the City or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.
- B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
- C. All such records and reports shall be public records.

SECTION 305.020: POLICE DEPARTMENT TO INVESTIGATE ACCIDENTS

It shall be the duty of the Police Department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

SECTION 305.030: TRAFFIC ACCIDENT REPORTS

The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the City Traffic Engineer.

SECTION 305.040: DRIVER FILES TO BE MAINTAINED

The Police Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

SECTION 305.050: POLICE DEPARTMENT TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT

The Police Department shall annually prepare a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in the City as follows:

- 1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
- 2. The number of traffic accidents investigated and other pertinent data on the safety activities of the Police.
- 3. The plans and recommendations of the Police Department for future traffic safety

activities.

SECTION 305.060: CITY TRAFFIC ENGINEER

- A. The office of City Traffic Engineer is established. The Chief of Police or other designated officer shall serve as City Traffic Engineer in addition to his/her other functions and shall exercise the powers and duties with respect to traffic as provided in this Title.
- B. The City Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigation of traffic conditions, plan the operation of traffic on the streets and highways of the City, and cooperate with other City Officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of the City.

SECTION 305.070: EMERGENCY AND EXPERIMENTAL REGULATIONS

- A. The Chief of Police by and with the approval of the City Traffic Engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the City and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.
- B. The City Traffic Engineer may test traffic control devices under actual conditions of traffic.

SECTION 305.080: CITY TO SUBMIT CERTAIN REGULATIONS FOR APPROVAL

The City will submit to the Missouri Department of Transportation for approval any ordinance, rules, regulations, or resolutions appertaining to the regulations of speed where said ordinance, rules, regulations are applicable and will not enact or keep in force an ordinance not approved by the Commission. (Ord. No. 263 §5.2, 1971)

CHAPTER 310: ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

SECTION 310.010: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

- A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all traffic laws of the City and all of the State vehicle laws applicable to traffic in the City.
- B. Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- C. Officers of the Fire Department, when at the scene of an incident, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

SECTION 310.015: ABSENCE OF ACTUAL DRIVER -- REGISTERED OWNER(S)

**SHALL BE RESPONSIBLE FOR ALL PARKING VIOLATIONS
OF SAID VEHICLE WHEN SUCH VEHICLE WAS BEING USED
WITH PERMISSION**

- A. This Section shall apply to all provisions of Chapters 350, 355, 360, 365, of the Marshfield Municipal Code as well as all ordinances of the City of Marshfield, Missouri dealing with handicapped parking spaces.
- B. If any motor vehicle is found within the corporate limits of Marshfield, Missouri in violation of the provisions of the aforesaid Chapters of the Marshfield Municipal Code, or in violation of any ordinances of the City regulating parking in designated handicapped parking spaces, and the driver thereof is not present, the owner(s), or person(s) in whose name(s) such vehicle is registered in the records of the Department of Revenue of the State of Missouri, shall be responsible for such violation when such vehicle was being used with permission. A computer printout from the Missouri Department of Revenue shall be prima facie evidence of the ownership of said vehicle. Proof of ownership, as aforesaid, shall be prima facie evidence that the vehicle was parked with the permission of the owner(s) and by an agent of the owner(s). When prima facie evidence, as aforesaid, is properly admitted in any trial, the burden of overcoming such evidence shall be upon the owner(s) of said vehicle by showing by clear and convincing evidence that he/she/it was not the owner of said vehicle at the time of the alleged offense or that said vehicle was, at the time of the alleged offense, not being operated by a person who had the consent of the owner to operate said vehicle, either express or implied, or that the actual operator of said motor vehicle at the time of the alleged offense was in fact actually physically handicapped to such an extent that they qualify for a handicap license plate. Any person whose vehicle prominently displays a handicap permit or license plate issued by a governmental agency of the State of Missouri shall be presumed to be properly using a parking space marked by the international handicap symbol of access. Any person whose vehicle is parked in a parking space marked by the international handicap symbol of access, either on public or private property, which does not prominently display a handicap permit or license plate issued by a governmental agency of the State of Missouri shall be presumed to be in violation of any handicap parking ordinance and to be utilizing said space improperly. Said presumptions shall be rebuttable and may be overcome by the individual charged or other parties submitting evidence to the contrary. (Ord. No. 613 §1, 2-13-92)

SECTION 310.020: OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

No person shall knowingly fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department official.

**SECTION 310.030: PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS
TO OBEY TRAFFIC REGULATIONS**

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

**SECTION 310.040: USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES
RESTRICTED**

No person upon roller skates, or riding in or by means of any coaster, skateboards, roller blades, scooters, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be

subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinance of the City.

SECTION 310.050: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this Title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or City and it shall be unlawful for any said driver to violate any of the provisions of this Title, except as otherwise permitted in this Title.

SECTION 310.060: AUTHORIZED EMERGENCY VEHICLES -- PERMITTED ACTS OF DRIVERS

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.
- B. The driver of an authorized emergency vehicle may:
 - 1. Park or stand, irrespective of the provisions of this Title;
 - 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - 3. Exceed the maximum speed limits so long as he/she does not endanger life or property; and
 - 4. Disregard regulations governing direction of movement or turning in specified directions.
- C. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by siren or while having at least one (1) lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 310.080.
- D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

SECTION 310.070: OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES

- A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this State, or of a Police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer.
- B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

SECTION 310.080: SIRENS AND FLASHING LIGHTS EMERGENCY USE -- PERSONS AUTHORIZED -- VIOLATION -- PENALTY

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, which are operated by any member of an organized Fire Department, ambulance

association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this City as an emergency vehicle under the provisions of Section 304.022, RSMo., while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and while using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire Department, organized ambulance association or rescue squad and no person shall use or display a siren or rotating blue lights on a motor vehicle, fire, ambulance or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes an ordinance violation.

SECTION 310.090: IMMEDIATE NOTICE OF ACCIDENT WITHIN CITY

The driver of a vehicle involved in an accident within the City resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall give, or cause to be given, notice of such accident to the Police Department as soon as reasonably possible.

SECTION 310.100: WRITTEN REPORT OF ACCIDENT

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall, within five (5) days after such accident, forward a written report of such accident to the Police Department. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a Police Officer while such driver was present thereat.

SECTION 310.110: WHEN DRIVER UNABLE TO REPORT

- A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.090 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.
- B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.100 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five (5) days after the accident make such report not made by the driver.

SECTION 310.120: LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT

- A. A person commits the offense of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on the highways, streets or roads of the City or on any publicly or privately owned parking lot or parking facility, within the City, generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property, due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including City and street number, motor vehicle number and driver's license number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity, then to the nearest Police station or judicial officer.

- B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any such privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

SECTION 310.130: STRIKING A LAWFULLY STOPPED, PARKED OR OPERATING VEHICLE

- A. The driver of a vehicle shall be guilty of failing to devote sufficient attention to the control of his/her vehicle if the vehicle collides with any other vehicle that is lawfully stopped, lawfully parked or lawfully proceeding in the same direction of travel in a designated lane of traffic.
- B. As used in this Section, "*control*" shall mean to regulate, guide or exercise restraining or directing influence over.
- C. Any person who violates any provision of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each and every violation. (Ord. No. 1112, 2-10-05)

CHAPTER 315: TRAFFIC CONTROL DEVICES

SECTION 315.010: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

The City Traffic Engineer shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of the City to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under the traffic ordinances of the City or under State law or to guide or warn traffic.

SECTION 315.020: MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highways and Transportation Commission or resolution adopted by the Board of Aldermen of the City. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the City. All traffic control devices so erected and not inconsistent with the provisions of this Title shall be official traffic control devices.

SECTION 315.030: OBEDIENCE TO TRAFFIC CONTROL DEVICES

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this Title, unless otherwise directed by a traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Title.

SECTION 315.040: WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES

No provision of this Title for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is

not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

SECTION 315.050: OFFICIAL TRAFFIC CONTROL DEVICES -- PRESUMPTION OF LEGALITY

- A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- B. Any official traffic control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

SECTION 315.060: TRAFFIC CONTROL SIGNAL LEGEND -- RIGHT TURN ON RED LIGHT -- WHEN

Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- 1. *Green indication.*
 - a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- 2. *Steady yellow indication.*
 - a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- 3. *Steady red indication.*
 - a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as

- provided in paragraph (b) of this Subsection.
- b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof.
 - c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.
4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

SECTION 315.070: PEDESTRIAN CONTROL SIGNALS

Whenever special pedestrian control signals exhibiting the words "*Walk*" or "*Don't Walk*", or appropriate symbols, are in place, such signals shall indicate as follows:

1. "*WALK*": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
2. "*WAIT*" or "*DON'T WALK*": No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

SECTION 315.080: FLASHING SIGNALS

- A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:
1. *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 2. *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- B. This Section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 335.090 of this Title.

SECTION 315.090: LANE DIRECTION CONTROL SIGNALS

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown but shall not enter or travel in any lane over which a red signal is shown.

SECTION 315.100: DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

SECTION 315.110: INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

SECTION 315.120: AUTHORITY TO ESTABLISH PLAY STREETS

The City Traffic Engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

SECTION 315.130: PLAY STREETS

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

SECTION 315.140: CITY TRAFFIC ENGINEER TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES

The City Traffic Engineer is hereby authorized:

1. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he/she may deem necessary.
2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.

SECTION 315.150: TRAFFIC LANES

- A. The City Traffic Engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.
- B. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

CHAPTER 320: SPEED REGULATIONS

SECTION 320.010: STATE SPEED LAWS APPLICABLE

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the City, except that the City may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

SECTION 320.020: REGULATION OF SPEED BY TRAFFIC SIGNALS

The City Traffic Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

SECTION 320.030: GENERAL SPEED LIMIT

Except where otherwise provided by signs erected pursuant to duly passed and approved ordinances, no person shall operate a vehicle on any street in the City in excess of thirty (30) miles per hour.

SECTION 320.040: SLOW SPEED -- REGULATIONS

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace Officers may enforce the provisions of this Section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is an ordinance violation.

SECTION 320.050: SPECIAL SPEED LIMITS ON ROADWAYS

No person shall operate a motor vehicle upon those portions of the roadways which are set forth and described in Schedule I at a rate of speed in excess of that speed limit set for such portions of the roadways by said Schedule.

CHAPTER 325: TURNING MOVEMENTS

SECTION 325.010: REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established.
2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right-half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and

after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn lanes have been established.
4. *Designated two-way left turn lanes.* Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:
 - a. A left turn shall not be made from any other lane;
 - b. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a u-turn when otherwise permitted by law; and
 - c. A vehicle shall not be driven in the lane for a distance more than five hundred (500) feet.

SECTION 325.020: AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS

- A. The City Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
- B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

SECTION 325.030: AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The City Traffic Engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

SECTION 325.040: OBEDIENCE TO NO-TURN SIGNS

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

SECTION 325.050: LIMITATIONS ON TURNING AROUND

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

CHAPTER 330: ONE-WAY STREETS AND ALLEYS

SECTION 330.010: AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS

Whenever any ordinance of the City designates any one-way street or alley, the City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

SECTION 330.020: ONE-WAY STREETS AND ALLEYS

Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

SECTION 330.030: AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS

- A. The City Traffic Engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The City Traffic Engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.
- B. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this Section.

CHAPTER 335: STOP AND YIELD INTERSECTIONS, RAILROAD CROSSINGS

SECTION 335.010: THROUGH STREETS DESIGNATED

Those streets and parts of streets described by ordinances of the City are declared to be through streets for the purposes of Sections 335.010 to 335.090.

SECTION 335.020: SIGNS REQUIRED AT THROUGH STREETS

Whenever any ordinance of the City designates and describes a through street, it shall be the duty of the City Traffic Engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the City Traffic Engineer upon the basis of an engineering and traffic study.

SECTION 335.030: OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED

The City Traffic Engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Section 335.040 in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required.

SECTION 335.040: STOP AND YIELD SIGNS

- A. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
- B. Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

SECTION 335.050: VEHICLE ENTERING STOP INTERSECTION

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (B) of Section 335.040 and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

SECTION 335.060: VEHICLE ENTERING YIELD INTERSECTION

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his/her failure to yield right-of-way.

SECTION 335.070: EMERGING FROM ALLEY, DRIVEWAY OR BUILDING

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

SECTION 335.080: STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

SECTION 335.090: OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN

- A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he/she can do so safely. The foregoing requirements shall apply when:
 - 1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 - 2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train; or
 - 3. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
- C. No person shall drive a vehicle through a railroad crossing when there is not sufficient space to drive completely through the crossing.
- D. No person shall drive a vehicle through a railroad crossing unless such vehicle has sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from contacting the railroad crossing.

**SECTION 335.100: SCHOOL, CHURCH OR PEDESTRIAN CROSSING -- STOP
SIGNS -- DRIVER TO STOP**

- A. When school, church or pedestrian crossing stop signs or markings are in place and clearly visible to the driver, every driver of a vehicle shall come to a complete stop.
- B. Where school or church zone signs, markings or devices are posted, erected or marked, every person driving a vehicle shall slow down observing all regulations relating to pedestrian traffic. (Ord. No. 132 §16, 12-12-62)

CHAPTER 340: MISCELLANEOUS DRIVING RULES

SECTION 340.010: FOLLOWING EMERGENCY VEHICLE PROHIBITED

The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SECTION 340.020: CROSSING FIRE HOSE

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

SECTION 340.030: FUNERAL PROCESSIONS

A. *Definitions.* As used in this Section, the following terms shall mean:

FUNERAL DIRECTOR: A person licensed as a funeral director pursuant to the provisions of Chapter 333, RSMo.

FUNERAL LEAD VEHICLE OR LEAD VEHICLE: Any motor vehicle equipped with at least one (1) lighted circulating lamp exhibiting an amber or purple light or lens or alternating flashing headlamps visible under normal atmospheric conditions for a distance of five hundred (500) feet from the front of the vehicle. A hearse or coach properly equipped may be a lead vehicle.

ORGANIZED FUNERAL PROCESSION: Two (2) or more vehicles accompanying the remains of a deceased person from a funeral establishment, church, synagogue or other place where a funeral service has taken place to a cemetery, crematory or other place of final disposition, or a funeral establishment, church, synagogue or other place where additional funeral services will be performed, if directed by a licensed funeral director from a licensed establishment.

B. *Driving Rules.*

1. Except as otherwise provided for in this Section, pedestrians and operators of all other vehicles shall yield the right-of-way to any vehicle which is a part of an organized funeral procession.
2. Notwithstanding any traffic control device or right-of-way provision prescribed by State or local law, when the funeral lead vehicle in an organized funeral procession lawfully enters an intersection, all vehicles in the procession shall follow the lead vehicle through the intersection. The operator of each vehicle in the procession shall exercise the highest degree of care toward any other vehicle or pedestrian on the roadway.
3. An organized funeral procession shall have the right-of-way at all intersections regardless of any traffic control device at such intersections, except that operators of vehicles in an organized funeral procession shall yield the right-of-way to any approaching emergency vehicle pursuant to the provisions of law or when directed to do so by a Law Enforcement Officer.
4. All vehicles in an organized funeral procession shall follow the preceding vehicle in the procession as closely as is practical and safe under the conditions.
5. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.

6. Any person who is not an operator of a vehicle in an organized funeral procession shall not:
 - a. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Subsection (B)(5), above, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;
 - b. Join a funeral procession for the purpose of securing the right-of-way; or
 - c. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.
 7. When an organized funeral procession is proceeding through a red signal light as permitted herein, a vehicle not in the organized funeral procession shall not enter the intersection unless such vehicle may do so without crossing the path of the funeral procession.
 8. No ordinance, regulation or any other provision of law shall prohibit the use of a motorcycle utilizing flashing amber lights to escort an organized funeral procession on the highway.
- C. Any person convicted of violating any provision of this Section shall be punished by a fine not to exceed one hundred dollars (\$100.00).

SECTION 340.040: DRIVING IN PROCESSION

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

SECTION 340.050: WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS

No procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State, and the forces of the Police and Fire Departments shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

SECTION 340.060: VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK

The driver of a vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway.

SECTION 340.070: LIMITATIONS ON BACKING

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

SECTION 340.080: OPENING AND CLOSING VEHICLE DOORS

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

SECTION 340.090: RIDING ON MOTORCYCLES -- ADDITIONAL PASSENGER -- REQUIREMENTS

- A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to the rear or side of the operator.
- B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

SECTION 340.100: RIDING BICYCLE ON SIDEWALKS -- LIMITATIONS -- MOTORIZED BICYCLES PROHIBITED

- A. No person shall ride a bicycle upon a sidewalk within a business district.
- B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- C. No person shall ride a motorized bicycle upon a sidewalk.

SECTION 340.105: RIDING MOTOR BIKES, BICYCLES, SKATEBOARDS, ETC., IN PUBLIC SQUARE OR WITHIN TWO BLOCKS THEREOF PROHIBITED

In that area comprising the public square, and within two (2) blocks thereof, no person shall ride or drive or ride upon or operate any motor scooter, motor bike, bicycle, roller skates, skateboards and like means of conveyance or locomotion upon any sidewalk, or other area reserved for pedestrians. (Ord. No. 132 §6, 12-12-62; Ord. No. 618 §§1--2, 3-26-92)

SECTION 340.110: USE OF MOTORBIKES, BICYCLES, MOTOR SCOOTERS, ROLLER SKATES OR SKATEBOARDS -- PROHIBITED WHERE

- A. In that area comprising the Marshfield City Parks, no person shall ride or drive or ride upon or operate any motor scooters, motorbikes, bicycle, roller skates, skateboards, and like means of conveyance or locomotion within any building or shelter house in said park.
- B. In that area located within three hundred (300) feet of the Marshfield Municipal Pool in Ellis Jackson Park, no person shall ride or drive or ride upon or operate any motor scooter, motorbike, bicycle, roller skates, skateboards and other like means of conveyance or locomotion upon any sidewalk, or other area reserved for pedestrians. (Ord. No. 772 §§1--3, 6-12-96)

SECTION 340.115: ALL-TERRAIN VEHICLES -- PROHIBITED -- EXCEPTIONS -- OPERATION UNDER AN EXCEPTION -- PROHIBITED USES -- PENALTY

- A. No person shall operate an all-terrain vehicle, as defined in Section 300.020, upon the streets and highways of this City, except as follows:
 - 1. All-terrain vehicles owned and operated by a governmental entity for official use;
 - 2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation; or

3. All-terrain vehicles whose operators carry a special permit issued by this City pursuant to Section 304.013, RSMo.
- B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this City, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.
- D. No person shall operate an all-terrain vehicle:
 1. In any careless way so as to endanger the person or property of another;
 2. While under the influence of alcohol or any controlled substance; or
 3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.
- E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.
- F. A violation of this Section shall be an ordinance violation.

SECTION 340.120: RIDING BICYCLES, SLEDS, ROLLER SKATES, BY ATTACHING TO ANOTHER VEHICLE, PROHIBITED -- PULLING A RIDER BEHIND VEHICLE PROHIBITED

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.

SECTION 340.130: CONTROLLED ACCESS

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

SECTION 340.140: RAILROAD TRAINS NOT TO BLOCK STREETS

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes; provided that this Section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely.

SECTION 340.150: DRIVING THROUGH SAFETY ZONE PROHIBITED

No vehicle shall at any time be driven through or within a safety zone.

SECTION 340.155: MOTOR VEHICLES IN PARK

It shall be a misdemeanor for any person, not a municipal employee, to operate any motor vehicle (including motorcycles, "motorbikes" and "mini-bikes") on any portion of any City Park which is not an established and designated roadway or parking area without the express permission and authority of the Marshfield Park Board. (Ord. No. 272 §3, 6-13-72)

SECTION 340.160: MANNER OF OPERATION OF MOTOR VEHICLES -- CAREFUL AND PRUDENT

Every person operating a motor vehicle on the highways of this City shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

SECTION 340.170: DRIVING TO THE RIGHT

- A. Upon all public roads or highways of sufficient width, a vehicle shall be driven upon the right-half of the roadway, except as follows:
 - 1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;
 - 2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;
 - 3. When the right-half of a roadway is closed to traffic while under construction or repair; or
 - 4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.
- B. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semi-circular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the State Highways and Transportation Commission or the Department of Transportation. The provisions of this Subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the Commission or the Department.
- C. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:
 - 1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
 - 2. Upon a roadway which is divided into three (3) lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
 - 3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo.
 - 4. Official signs may be erected by the Highways and Transportation Commission or the Highway Patrol may place temporary signs directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway whenever possible.
- D. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

SECTION 340.180: PASSING REGULATIONS

- A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:
 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
 2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.
- B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:
 1. When the vehicle overtaken is making or about to make a left turn;
 2. Upon a City street with unobstructed pavement of sufficient width for two (2) or more lines of vehicles in each direction; or
 3. Upon a one-way street.

The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

- C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
- D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
 1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
 2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing.

SECTION 340.190: HAND AND MECHANICAL SIGNALS

No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

1. An operator or driver when stopping, or when checking the speed of the operator's vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.
2. An operator or driver intending to turn the vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning.
3. An operator or driver intending to turn the vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning.
4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signalling device upon the vehicle pulling such trailer; provided further, that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.

SECTION 340.200: STOPPING FOR SCHOOL BUS

- A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.
- B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "*School Bus*" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "*State Law: Stop While Bus is Loading and Unloading*". Each school bus subject to the provisions of Sections 304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education, which will display a signal plainly visible from the front and rear and indicating intention to stop.
- C. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand (10,000) pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five (5) feet six (6) inches from

the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in Subsection (B) of this Section. This Subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.

- D. Except as otherwise provided in this Section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district has the authority pursuant to Section 304.050, RSMo., to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four (4) or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred (500) feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty (60) miles per hour and at least three hundred (300) feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.
- E. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

SECTION 340.210: RIGHT-OF-WAY AT INTERSECTION -- SIGNS AT INTERSECTIONS

- A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.
- B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.
- C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- D. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.
- E. The City may, on any section of road where construction or major maintenance operations are being effected, fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie

evidence of careless and imprudent driving and a violation of Section 340.160.

SECTION 340.220: DISTANCE AT WHICH VEHICLE MUST FOLLOW

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway.

SECTION 340.230: UNNECESSARY AND EXCESSIVE NOISE

- A. No person shall permit unnecessary and excessive noise to be emitted from a motor vehicle located on a public street, any parking lot open to the public or other public right-of-way.
- B. For purposes of this Section, the following acts, without limitation, are declared to be unnecessary and excessive noises and constitute a violation of this Section:
 - 1. The operation of any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound, which can be clearly heard at a distance of fifty (50) or more feet.
 - 2. The sudden acceleration of a motor vehicle which produces a sound due to the tires breaking traction with the pavement, which can be clearly heard at a distance of fifty (50) or more feet.
- C. For purposes of this Section:
 - 1. Measurement standards shall be by the auditory and visual senses, based upon direct line of sight;
 - 2. Words or phrases need not be discernible and bass reverberations are included; and
 - 3. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley or parking lot open to the public.
- D. Any person who violates any provision of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each and every violation. (Ord. No. 1115, 2-10-05)

CHAPTER 342: ALCOHOL-RELATED TRAFFIC OFFENSES

Cross Reference--As to reimbursement of certain costs related to arrest under this chapter, see §120.320(8) of this Code.

SECTION 342.010: DEFINITIONS

As used in this Chapter, the following terms shall have these prescribed meanings:

DRIVE, DRIVING, OPERATES OR OPERATING: Physically driving or operating a motor vehicle.

INTOXICATED CONDITION: A person is in an "intoxicated condition" when he/she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.

LAW ENFORCEMENT OFFICER OR ARRESTING OFFICER: Includes the definition of Law Enforcement Officer in Subdivision (17) of Section 556.061, RSMo., and Military Policemen conducting traffic enforcement operations on a Federal military installation under military

jurisdiction in the State of Missouri.

SECTION 342.020: DRIVING WHILE INTOXICATED

A person commits the offense of "*driving while intoxicated*" if he/she operates a motor vehicle while in an intoxicated or drugged condition. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years.

SECTION 342.030: DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT

- A. A person commits the offense of "*driving with excessive blood alcohol content*" if such person operates a motor vehicle in this City with eight-hundredths of one percent (.08%) or more by weight of alcohol in such person's blood.
- B. As used in this Section, "*percent by weight of alcohol*" in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

SECTION 342.040: CHEMICAL TEST FOR ALCOHOL CONTENT -- CONSENT IMPLIED -- ADMINISTERED -- WHEN -- HOW -- VIDEOTAPING OF CHEMICAL OR FIELD SOBRIETY TEST ADMISSIBLE EVIDENCE

- A. Any person who operates a motor vehicle upon the public highways of this City shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:
 - 1. If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition;
 - 2. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent (.02%) or more by weight;
 - 3. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the State, or any political subdivision of the State, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater;
 - 4. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock, and the Law Enforcement Officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater;
 - 5. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in Section 565.002, RSMo., and has been arrested as evidenced by the issuance of a uniform complaint and summons for the violation of any State law or County or municipal ordinance with the exception of equipment violations contained in Chapter

- 307, RSMo., or similar provisions contained in County or municipal ordinances; or
6. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality.

The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been arrested or stopped for any reason.

- B. The implied consent to submit to the chemical tests listed in Subsection (A) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.
- C. Chemical analysis of the person's breath, blood, saliva or urine to be considered valid pursuant to the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.
- D. The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.
- E. Upon the request of the person who is tested, full information concerning the test shall be made available to him/her.
- F. Any person given a chemical test of the person's breath pursuant to Subsection (A) of this Section or a field sobriety test may be videotaped during any such test at the direction of the Law Enforcement Officer. Any such video recording made during the chemical test pursuant to this Subsection or a field sobriety test shall be admissible as evidence for a violation of any municipal ordinance or any license revocation or suspension proceeding pursuant to the provisions of Chapter 302, RSMo.

SECTION 342.050: TRANSPORTING OPEN CONTAINER OF ALCOHOLIC BEVERAGES -- POSSESSION OF ALCOHOL IN PUBLIC PLACES

- A. No person shall knowingly transport in any vehicle operating upon a public highway, street, or alley within the City of Marshfield, any alcoholic beverage except in the original container which shall not have been opened, and the seal upon which shall not have been broken, and from which the original cap or cork shall not have been removed, unless the opened container be in the locked glove compartment, or be in the rear trunk or rear compartment, which shall include the spare tire compartment or any outside compartment which is not accessible to the driver or any other person in such vehicle while it is in motion. In the case of a pickup truck, station wagon, hatchback, or other similar vehicle, the area behind the last upright seat shall not be considered accessible to the driver or any other person.
- B. No driver of a motor vehicle shall allow any alcoholic beverage to be consumed while in a moving motor vehicle, as defined by this Section, nor shall any person consume any alcoholic beverage while in a moving motor vehicle in the City of Marshfield.
- C. Nothing in this Section shall be construed as to prohibit the otherwise legal consumption of alcoholic beverages by passengers on a privately or publicly owned transit authority that has been chartered and is not being utilized for conveyance of the general public where the operation and control of such conveyance is by a person not in possession of or with ready access to such alcoholic beverage.
- D. This Section shall not apply to the living quarters of a recreational motor vehicle as defined by this Section.
- E. It shall be unlawful for any person to be in possession of an alcoholic beverage in any open container when upon or in a public highway, street, alley, public park, public square or parking area open for use by the general public.

- F. Any person found guilty of violating the provisions of this Section shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) or incarcerated in the City/County Jail for a period not to exceed ninety (90) days, or both such fine and incarceration.
- G. This City shall initiate and develop a program of public information to provide an understanding of, and to insure compliance with the provisions of this Section.
- H. As used within this Section, the following words shall have the following meanings:
ALCOHOLIC BEVERAGE: Alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented and to also include any beer, either intoxicating or non-intoxicating as defined in the Missouri Statutes, manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water, and free from all harmful substances, preservatives and adulterants, and having any alcoholic content by weight or volume.
MOTOR VEHICLE: Any mechanical device on wheels, designed primarily for use on highways, except motorized bicycles and vehicles propelled or drawn by human power, or vehicles used exclusively on fixed rails or tracks.
RECREATIONAL MOTOR VEHICLE: Any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered. (Ord. No. 542 §§1--8, 10-13-88)

CHAPTER 345: PEDESTRIANS' RIGHTS AND DUTIES

SECTION 345.010: PEDESTRIANS SUBJECT TO TRAFFIC CONTROL DEVICES

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 315.060 and 315.070 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter.

SECTION 345.020: PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS

- A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- C. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Section 345.050.
- D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

SECTION 345.030: PEDESTRIANS TO USE RIGHT-HALF OF CROSSWALKS

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.

SECTION 345.040: CROSSING AT RIGHT ANGLES

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

SECTION 345.050: WHEN PEDESTRIAN SHALL YIELD

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- C. The foregoing rules in this Section have no application under the conditions stated in Section 345.060 when pedestrians are prohibited from crossing at certain designated places.

SECTION 345.060: PROHIBITED CROSSING

- A. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.
- C. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.
- D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

SECTION 345.070: OBEDIENCE OF PEDESTRIANS TO BRIDGE AND RAILROAD SIGNALS

- A. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.
- B. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge when such gate or barrier is closed or is being opened or closed.

SECTION 345.080: PEDESTRIANS WALKING ALONG ROADWAYS

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

SECTION 345.090: DRIVERS TO EXERCISE HIGHEST DEGREE OF CARE

Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

CHAPTER 350: METHOD OF PARKING

SECTION 350.010: STANDING OR PARKING CLOSE TO CURB

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

SECTION 350.020: SIGNS OR MARKINGS INDICATING ANGLE PARKING

- A. The City Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the City unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

SECTION 350.030: OBEDIENCE TO ANGLE PARKING SIGNS OR MARKERS

On those streets which have been signed or marked by the City Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

SECTION 350.040: PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB

- A. The City Traffic Engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.
- B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

SECTION 350.050: LAMPS ON PARKED VEHICLES

- A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway, no lights need be displayed upon such parked vehicle.
- B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.
- C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

CHAPTER 355: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

SECTION 355.010: STOPPING, STANDING OR PARKING PROHIBITED

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:
1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection or within twenty (20) feet of an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the (traffic authority) indicates a different length by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - h. On any railroad tracks; or
 - i. At any place where official signs prohibit stopping.
 2. Stand or park a vehicle, whether occupied or not, except momentarily to pickup or discharge a passenger or passengers:
 - a. In front of a public or private driveway;
 - b. Within fifteen (15) feet of a fire hydrant;
 - c. Within twenty (20) feet of a crosswalk at an intersection;
 - d. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;
 - e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted); or
 - f. At any place where official signs prohibit standing.
 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
 - a. Within fifty (50) feet of the nearest rail of a railroad crossing; or
 - b. At any place where official signs prohibit parking.
- B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.

SECTION 355.020: PARKING NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

SECTION 355.030: PARKING IN ALLEYS

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

SECTION 355.040: PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale; or
2. Repair such vehicle except repairs necessitated by an emergency.

SECTION 355.050: PARKING ADJACENT TO SCHOOLS

- A. The City Traffic Engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

SECTION 355.060: PARKING PROHIBITED ON NARROW STREETS

- A. The City Traffic Engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

SECTION 355.070: STANDING OR PARKING ON ONE-WAY STREETS

The City Traffic Engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

SECTION 355.080: STANDING OR PARKING ON ONE-WAY ROADWAYS

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The City Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

SECTION 355.090: NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES

- A. The City Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

SECTION 355.100: PHYSICALLY DISABLED PARKING

- A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended. The space shall be indicated by an upright sign whether on a pole or

attached to a building upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine".

- B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle, or while the vehicle is being used to transport a physically disabled person.
- C. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). Every day upon which such violation occurs shall constitute a separate offense.

CHAPTER 360: STOPPING FOR LOADING OR UNLOADING ONLY

SECTION 360.010: CITY TRAFFIC ENGINEER TO DESIGNATE CURB LOADING ZONES

The City Traffic Engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

SECTION 360.020: PERMITS FOR CURB LOADING ZONES

The City Traffic Engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The City Traffic Engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the City Treasury a service fee of ten dollars (\$10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the City for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year.

SECTION 360.030: STANDING IN PASSENGER CURB LOADING ZONE

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

SECTION 360.040: STANDING IN FREIGHT CURB LOADING ZONES

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

SECTION 360.050: CITY TRAFFIC ENGINEER TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS

The City Traffic Engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

SECTION 360.060: STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED

- A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

SECTION 360.070: RESTRICTED USE OF BUS AND TAXICAB STANDS

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

SECTION 360.080: PATIENT LOADING ZONE

The City Traffic Engineer is hereby authorized to determine the location of Patient Loading Zones and to place and maintain signs indicating same and stating the hours during which the provisions of this Section are applicable. No person shall stop, stand, or park a vehicle for any purpose or period of time other than expeditious for loading and unloading medical and physical therapy patients in any place marked as a patient loading zone during the hours and days posted. The Patient Loading Zone designated by the City Traffic Engineer pursuant to this Section shall be no more than thirteen (13) feet in width and the time limit required for use of said Patient Loading Zone shall not exceed fifteen (15) minutes. (Ord. No. 970, 2-14-02)

CHAPTER 365: STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

SECTION 365.010: APPLICATION OF CHAPTER

The provisions of this Title prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

SECTION 365.020: REGULATIONS NOT EXCLUSIVE

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

SECTION 365.030: PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

SECTION 365.040: PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

SECTION 365.050: STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

SECTION 365.060: PARKING SIGNS REQUIRED

Whenever by this Title or any ordinance of the City any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the City Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

SECTION 365.070: COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.

CHAPTER 370: VIOLATIONS BUREAU

SECTION 370.010: WHEN PERSON CHARGED MAY ELECT TO APPEAR AT BUREAU

- A. Any person charged with an offense for which payment of a fine may be made to the Violations Bureau shall have the option of paying such fine within the time specified in the notice of arrest at the Violations Bureau upon entering a plea of guilty and upon waiving appearance in court; or may have the option of depositing required lawful bail, and upon a plea of not guilty shall be entitled to a trial as authorized by law.
- B. The payment of a fine to the Bureau shall be deemed an acknowledgement of conviction of the alleged offense, and the Bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

SECTION 370.020: DUTIES OF VIOLATIONS BUREAU

The following duties are hereby imposed upon the Violations Bureau in reference to traffic offenses:

- 1. It shall accept designated fines, issue receipts and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney;
- 2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present.

SECTION 370.030: VIOLATIONS BUREAU TO KEEP RECORDS

The Violations Bureau shall keep records and submit to the judges hearing violations of City ordinances summarized monthly reports of all notices issued and arrests made for violations of the traffic laws and ordinances in the City and of all the fines collected by the Violations Bureau or the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

SECTION 370.040: ADDITIONAL DUTIES OF VIOLATIONS BUREAU

The Violations Bureau shall follow such procedure as may be prescribed by the traffic ordinances of the City or as may be required by any laws of this State.

CHAPTER 375: PROCEDURE ON ARREST

SECTION 375.010: FORMS AND RECORDS OF TRAFFIC CITATIONS AND ARRESTS

- A. The City shall provide books containing uniform complaint and summons as prescribed by Supreme Court Rule. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by Supreme Court Rule.
- B. Such books shall be issued to the Chief of Police or his/her duly authorized agent, a record shall be maintained of every book so issued, and a written receipt shall be required for every book. The judge or judges hearing City ordinance violation cases may require that a copy of such record and receipts be filed with the court.
- C. The Chief of Police shall be responsible for the issuance of such books to individual members of the Police Department. The Chief of Police shall require a written receipt for every book so

issued and shall maintain a record of every such book and each set of citations contained therein.

SECTION 375.020: PROCEDURE OF POLICE OFFICERS

Except when authorized or directed under State law to immediately take a person before the Municipal Judge for the violation of any traffic laws, a Police Officer who halts a person for such violation other than for the purpose of giving him/her a warning or warning notice and does not take such person into custody under arrest shall issue to him/her a uniform complaint and summons which shall be proceeded upon in accordance with Supreme Court Rules.

SECTION 375.030: UNIFORM COMPLAINT AND SUMMONS TO BE ISSUED WHEN VEHICLE ILLEGALLY PARKED OR STOPPED

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the City or by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a uniform complaint and summons or other citation for the driver to answer to the charge against him/her within seven (7) days during the hours and at a place specified in the uniform complaint and summons.

SECTION 375.040: WARNING OF ARREST SENT UPON FAILURE TO APPEAR

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a uniform complaint and summons affixed to such motor vehicle within a period of five (5) days, the Violations Bureau shall send to the owner of the motor vehicle to which the uniform complaint and summons was affixed a letter informing him/her of the violation and warning him/her that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest will be issued.

CHAPTER 380: VEHICLE EQUIPMENT

ARTICLE I. LIGHT REGULATIONS

SECTION 380.010: WHEN LIGHTS REQUIRED

- A. *"When lighted lamps are required"* means at any time from a half (½) hour after sunset to a half (½) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead.
- B. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.

SECTION 380.020: HEADLAMP ON MOTOR VEHICLES

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and

other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

SECTION 380.030: MULTIPLE-BEAM HEADLAMPS -- ARRANGEMENT

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

SECTION 380.040: DIMMING OF LIGHTS -- WHEN

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

SECTION 380.050: TAILLAMPS -- REFLECTORS

- A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.
- B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet

from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.

- C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this Article and shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.
- D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an infraction.

SECTION 380.060: AUXILIARY LAMPS -- NUMBER -- LOCATION

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands.

SECTION 380.070: COWL, FENDER, RUNNING BOARD AND BACKUP LAMPS

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp; except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

SECTION 380.080: SPOTLAMPS

Any motor vehicle may be equipped with not to exceed one (1) spotlamp but every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person.

SECTION 380.090: COLORS OF VARIOUS LAMPS -- RESTRICTION OF RED LIGHTS

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowllamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle, upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.

SECTION 380.100: LIMITATIONS ON LAMPS OTHER THAN HEADLAMPS -- FLASHING SIGNALS PROHIBITED EXCEPT ON SPECIFIED VEHICLES

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet

from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in Section 300.020 of this Title, and on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

SECTION 380.110: LIMITATION ON TOTAL OF LAMPS LIGHTED AT ONE TIME

At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this Article required is also equipped with any auxiliary lamps or a spotlight or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one (1) time when upon a highway.

SECTION 380.120: OTHER VEHICLES -- HOW LIGHTED

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle.

SECTION 380.130: ANIMAL-DRIVEN VEHICLES -- LIGHTING REQUIREMENTS -- PENALTY

Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this City any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half (½) hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons, there shall be no less than seven (7) of such buttons covering an area equal to a circle with a three (3) inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°) and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half (½) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this City. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet. Any person violating the provisions of this Section shall be guilty of an ordinance violation.

ARTICLE II. OTHER VEHICLE EQUIPMENT

SECTION 380.140: OTHER EQUIPMENT OF MOTOR VEHICLES

- A. *Signaling Devices.* Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.
- B. *Muffler Cutouts.* Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open, or be opened or operated, while such vehicle is in motion.
- C. *Brakes.* All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.
- D. *Mirrors.* All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.
- E. *Projections On Vehicles.* All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.
- F. *Towlines.* When one (1) vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. The provisions of this Subsection shall also not apply to farm implements or to any vehicle which is not required to be registered.
- G. *Commercial Motor Vehicles And Trailers.* When being operated on any highway, street or road of this City, commercial motor vehicles and trailers shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment required by the State in such condition so as to obtain a certificate of inspection and approval as required by the provisions of Section 307.360, RSMo.
- H. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways, streets or roads of this City.

SECTION 380.150: LOADS WHICH MIGHT BECOME DISLODGED TO BE

SECURED -- FAILURE -- PENALTY

- A. All motor vehicles and every trailer and semi-trailer operating upon the public highways, streets or roads of this City and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.
- B. Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be an ordinance violation, and any person convicted thereof shall be punished as provided by Section 100.240 of this Code.

SECTION 380.160: SEAT BELTS

- A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.
- B. As used in this Section, the term "*passenger car*" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term "*passenger car*" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.
- C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the City, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this City shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements; except that, a child less than four (4) years of age shall be protected as required in Section 380.170 of this Chapter. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. Each person found guilty of violating the provisions of this Section is guilty of an infraction for which a fine not to exceed ten dollars (\$10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section.
- D. Each driver of a motor vehicle transporting a child four (4) years of age or more, but less than sixteen (16) years of age, shall secure the child in a properly adjusted and fastened safety belt.
- E. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the driver and passengers are not in violation of this Section.

SECTION 380.170: CHILD RESTRAINT SYSTEM

- A. Every person transporting a child under the age of four (4) years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this City, for providing for the protection of such child. Such child shall be protected by a child passenger restraint system approved by the Department of Public Safety.
- B. Any person found guilty of violating any of the provisions of this Section shall be subject to a fine of not more than twenty-five dollars (\$25.00) plus court costs.

- C. This Section shall not apply to any public carrier for hire.

**SECTION 380.180: VISION-REDUCING MATERIAL APPLIED TO WINDSHIELD
OR WINDOWS WITHOUT PERMIT PROHIBITED -- PENALTY --
RULES -- PROCEDURE**

- A. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent (3%). Except as provided in Subsection (C) of this Section, any sun screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection, may be issued by the Department of Public Safety to a person having a serious medical condition which requires the use of a sun screening device if the permittee's physician prescribes its use. The Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree of consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person, who resides in the household. Except as provided in Subsection (B) of this Section, all sun screening devices applied to the windshield of a motor vehicle are prohibited.
- B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.
- C. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section.
- D. Any person who violates the provisions of this Section is guilty of an ordinance violation.

**SECTION 380.190: HEADGEAR REQUIRED -- MOTORCYCLES OR
MOTORTRICYCLES**

- A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this City shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.
- B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an infraction for which a fine not to exceed twenty-five dollars (\$25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to Section 302.302, RSMo., for a failure to wear such protective headgear.

SECTION 380.200: STUDED TIRES -- PROHIBITED WHEN

No person shall operate any motor vehicle upon any road or highway of this City between the

first (1st) day of April and the first (1st) day of November while the motor vehicle is equipped with tires containing metal or carbide studs.

SECTION 380.210: RESTRICTION ON USE OF METAL-TIRED VEHICLES

- A. No metal-tired vehicle shall be operated over any of the improved highways of this City, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the highway is protected by putting down solid planks or other suitable material, or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads, when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.
- B. No tractor, tractor engine or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.
- C. Any person violating this Section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction.

SECTION 380.220: PASSENGERS IN TRUCKS

- A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.
- B. No person shall operate any truck, as defined in Subsection (A) of this Section, with a licensed gross weight of less than twelve thousand (12,000) pounds on any highway which is part of the State or Federal highway system or when such truck is operated within the corporate limits of the City when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation.
- C. The provisions of this Section shall not apply to:
 - 1. Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;
 - 2. Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;
 - 3. Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law;
 - 4. Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck;
 - 5. Any person riding in the unenclosed bed of a truck if such truck is being operated solely

for the purpose of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. "*Special event*", for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;

6. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or
7. Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in the truck. For the purposes of this Section, the term "*family*" shall mean any persons related within the first degree of consanguinity.

SECTION 380.230: VEHICLES FOR TRANSPORTATION OF DEAD ANIMALS -- HOW CONSTRUCTED

All vehicles used in the transportation of the bodies of dead animals, under the provisions of this Chapter, shall have a tank of metal lining in the bed of such vehicle, so that no drippings, or seepage from dead bodies shall escape from such vehicle while engaged in such transportation, and every vehicle shall have a bed of such depth and type of construction and equipment that any dead bodies therein shall be completely hidden from view of persons using the highways, streets or alleys and any public nuisance obviated while being transported. (Ord. No. 132 §32, 12-12-62)

SECTION 380.240: WEIGHT REGULATIONS

- A. No vehicle or combination of vehicles shall be moved or operated on any highway, street or alley in this municipality having a greater weight than that described under Section 304.180, RSMo.
- B. Provided further, that the local officials and State Highway and Transportation Commission or their legal agents for their respective jurisdiction, whenever by thawing of frost, rains, or soft conditions due to construction, reconstruction and maintenance, adverse critical weather conditions, or other causes detrimental to the surface or physical condition of such highways, streets and alleys in this municipality, are hereby authorized to limit such weights described under Subsection (A) to such an amount and in such manner as will preserve their economical use by the general public. When posted or marked it shall be unlawful to transport any gross load in excess of the posted notice, and in addition to conviction and punishment for a misdemeanor the registered owner thereof shall be held liable in any court of competent jurisdiction for destructive damages to the surface and physical conditions pertaining, by an action of the State, County or other interested person. (Ord. No. 132 §34, 12-12-62)

CHAPTER 385: BICYCLES AND MOTORIZED BICYCLES

SECTION 385.010: BICYCLE AND MOTORIZED BICYCLE -- DEFINED

As used in this Chapter, the following terms shall mean:

BICYCLE: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices.

MOTORIZED BICYCLE: Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which

produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

SECTION 385.020: BRAKES REQUIRED

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

SECTION 385.030: LIGHTS AND REFLECTORS -- WHEN REQUIRED -- STANDARDS TO BE MET

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:

1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and
4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subdivision shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

SECTION 385.040: RIGHTS AND DUTIES OF BICYCLE AND MOTORIZED BICYCLE RIDERS

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

SECTION 385.050: RIDING TO RIGHT -- REQUIRED FOR BICYCLES AND MOTORIZED BICYCLES -- MANDATORY USE OF BICYCLE PATH BY BICYCLES

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same

direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

SECTION 385.060: PENALTY FOR VIOLATION

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Peace Officer possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

SECTION 385.070: MOTORIZED BICYCLES -- LICENSE REQUIRED

- A. No person shall operate a motorized bicycle on any highways, streets or roads in this City unless the person has a valid license to operate a motor vehicle.
- B. No motorized bicycle may be operated on any public thoroughfare located within this City which has been designated as part of the Federal interstate highway system.

SECTION 385.080: EQUIPMENT REQUIRED

No person shall operate a motorized bicycle on any highways, streets or roads in this City unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission.

SECTION 385.090: CARRYING PASSENGERS PROHIBITED UNLESS THE MOTORIZED BICYCLE IS PROPERLY EQUIPPED TO CARRY PASSENGERS

- A. The operator of a motorized bicycle shall not permit passengers to ride thereon at the same time unless the motorized bicycle is designed to carry more than one (1) person.
- B. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger. (Ord. No. 1039 §1, 10-9-03)

SECTION 385.100: OPERATORS ONLY TO RIDE ASTRIDE THE PERMANENT AND REGULAR SEAT OF THE MOTORIZED BICYCLE

The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto. (Ord. No. 1040 §1, 10-9-03)

CHAPTER 390: LICENSING REQUIREMENTS

ARTICLE I. OPERATOR'S LICENSES

SECTION 390.010: DRIVING WHILE LICENSE SUSPENDED OR REVOKED

A person commits the offense of driving while revoked if he/she operates a motor vehicle on a highway when his/her license or driving privilege has been canceled, suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that his/her driving privilege has been canceled, suspended or revoked.

SECTION 390.020: OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED -- MOTORCYCLES -- SPECIAL LICENSE

Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 390.040, to:

1. Operate any vehicle upon any highway in this City unless the person has a valid license as required by Chapter 302, RSMo., or a temporary instruction permit issued in compliance with Section 302.130, RSMo., in his/her possession;
2. Operate a motorcycle or motortricycle upon any highway of this City unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;
3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
4. Operate a motor vehicle with an instruction permit or license issued to another person; or
5. Drive a commercial motor vehicle, except when operating under an instruction permit as provided for in Section 302.720, RSMo.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 390.030: PROHIBITED USES OF LICENSE

It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;
2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;
3. Display or to represent as one's own any license not issued to the person so displaying the same;
4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director any license which has been suspended, canceled, disqualified or revoked, as provided by law;
5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;
6. Knowingly conceal a material fact, or otherwise commit a fraud in any such application;
7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;

8. Employ a person to operate a motor vehicle in the transportation of persons or property with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified; or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;
9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license; or
10. Fail to carry his/her instruction permit, valid operator's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection, when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator.

SECTION 390.040: EXEMPTIONS FROM LICENSE LAW

The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;
2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;
3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.; or
4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows--driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent--may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

ARTICLE II. VEHICLE LICENSING

SECTION 390.050: STATE VEHICLE LICENSE PLATES REQUIRED

No person shall operate or park any motor vehicle or trailer upon any street or highway of this City unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this City, provided the motor vehicle or trailer has been duly registered for the current year in the State, country or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this City, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

SECTION 390.060: METHOD OF DISPLAYING LICENSE PLATES

No motor vehicle or trailer shall be operated on any highway of this City unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor

vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motor scooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up, or if two (2) plates are issued for the vehicle pursuant to Subsection (5) of Section 301.130, RSMo., displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

SECTION 390.070: UNAUTHORIZED PLATES, TAGS, STICKERS, SIGNS

No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized, and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for", or words of similar import, as a substitute for such number plates or such placard.

SECTION 390.080: LICENSE PLATES ON VEHICLES DISPLAYED FOR SALE

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates except those of the dealer or owner so displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

SECTION 390.090: CERTIFICATE OF OWNERSHIP REQUIRED FOR REGISTERED VEHICLE

It shall be unlawful for any person to operate in this City a motor vehicle or trailer required to be registered as provided by law, unless a certificate of ownership has been issued.

SECTION 390.100: TRANSFER OF CERTIFICATE OF OWNERSHIP UPON SALE OF VEHICLE

It shall be unlawful for any person to buy or sell in this City any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between the parties a certificate of ownership with an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

SECTION 390.110: REMOVAL OF PLATES ON TRANSFER OF VEHICLE -- USE BY PURCHASER

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days. As used in this Section, the term "*trade-in motor vehicle or trailer*" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

SECTION 390.120: SALE BY DEALER

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents (\$10.50), to be returned to the buyer upon return of the number plates, as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days.

SECTION 390.130: FALSE INFORMATION BY DEALER

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

ARTICLE III. MISCELLANEOUS PROVISIONS

SECTION 390.140: FINANCIAL RESPONSIBILITY REQUIRED

- A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle registered or maintain registration of a motor vehicle, or permit another person to operate such vehicle, upon the streets or the alleys of this City, unless the owner maintains the financial responsibility as required in this Section which conforms to the requirements of the laws of this State. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.
- B. For purposes of this Section, the term "*financial responsibility*" shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and, subject to said limit for one (1) person, in the amount of fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of ten thousand dollars (\$10,000.00) because

of injury to or destruction of property of others in any one (1) accident.

C. Proof of financial responsibility may be shown by any of the following:

1. An insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card.
2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.
3. A surety bond according to Section 303.230, RSMo.

D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.

E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time the Peace Officer wrote the citation.

F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for each and every violation. 303.190)

SECTION 390.150: DISPLAY OF FALSE EVIDENCE OF INSURANCE, PENALTY, CONFISCATION OF FALSE EVIDENCE

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article, or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of an ordinance violation.

SECTION 390.160: ALTERATION, PRODUCTION OR SALE OF INVALID INSURANCE CARD

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of an ordinance violation.

SCHEDULE I. SPEED LIMITS

In accordance with the provisions of Chapter 320, and when signs are erected giving notice thereof, it shall be unlawful for any person to drive a vehicle at a speed in excess of the speeds listed below on the streets as designated.

<i>Ordinance</i>	<i>Speed</i>	<i>Location</i>
340	25 mph	On West Jackson Street (Missouri State Highway 38) from its intersection with South Buffalo Street Easterly to South Crittenden Street, thence along South Crittenden Street Southerly to Commercial Street, thence along Commercial Street Easterly to South Pitts Street.
	35 mph	On Commercial Street from South Pitts Street Easterly to South Walnut Street.
	45 mph	On Commercial Street from South Walnut Street Easterly to the City limits.
	35 mph	On West Washington Street from West Jackson Street Northeasterly to Hubble Drive (being Webster County Route CC), thence along Hubble Drive Northeasterly to a point thereon one thousand (1,000) feet Northeasterly of the intersection with West Washington Street.
	45 mph	On Hubble Drive (being Webster County Route CC) from a point thereon one thousand (1,000) feet Northeasterly from its intersection with West Washington Street Northeasterly to the East City limits.
	25 mph	On South Walnut Street Northerly to East Washington Street, thence on East Washington Street Easterly to Elm Street, thence Northerly on Elm Street to St. Charles Street.
	35 mph	On Webster County Route DD (being a continuation of St. Charles Street) from Elm Street Easterly to City limits.
	25 mph	On South Marshall Street (being Webster County Route "A") from Maple Street South to Third Street.
	35 mph	On West Washington Street (being Interstate 44 Service Road) from Spur Drive Southwesterly to George Street.
	45 mph	On West Washington Street (being Interstate 44 Service Road) from George Street Southwesterly to City limits.
	15 mph	On that part of Clay Street, Jefferson Street, Madison Street, and Crittenden Street forming the South Clay Street, South Marshall Street and South Crittenden Street from Madison Street South to Jackson Street.
	35 mph	On North Elm Street from Hubble Drive Southerly to State Route DD.
340	35 mph	On South Elm Street from Missouri Highway No. 38 South to the South

		City limits.
	35 mph	On East Washington Street from Walnut Street Westerly to Pine Street.
	30 mph	On East Washington Street from Pine Street Westerly to Crittenden Street (the Public Square).
	35 mph	On North Pine Street from Washington Street North to Hubble Drive.
	30 mph	On North Marshall Street from Jefferson Street (forming the Public Square) North to Bedford Street.
	25 mph	On North Marshall Street from Bedford Street North to Hubble Drive.
	35 mph	On North Marshall Street from Hubble Drive North to the North City limits.
	40 mph	On North Buffalo Street from Hubble Drive North to the North City limits.
	35 mph	On West Washington Street from Hubble Drive East to Buffalo Street.
	30 mph	On West Washington Street from Buffalo Street to Clay Street (the Public Square).
	35 mph	On South White Oak Street from Lucas Street South to the South City limits.
	20 mph	On Locust Street from Julian Street South to Bedford Street.
	20 mph	On North Clay Street from Jefferson Street (the Public Square) North three hundred forty-four (344) feet to the intersecting alley.
422	15 mph	Upon Garst Drive.
428	15 mph	On Elizabeth Street.
433	20 mph	On Burford Street between White Oak Street and Buffalo Street.
	20 mph	On Buffalo Street between Massey Street and Bedford Street.
455	30 mph	Pine Ridge Street.
	30 mph	Jefferson Street from Blair Street to Spur Drive (State Route 38).
471	35 mph	On Spur Drive (Missouri State Highway No. 38) from the Northwest right-of-way of Interstate Route 44 Southeasterly to a point thereon one thousand (1,000) feet Northwesterly from its intersection with West Washington Street.
	30 mph	On Spur Drive (Missouri State Highway No. 38) from a point thereon one thousand (1,000) feet Northwesterly from its intersection with West Washington Street, Southeasterly to the intersection with West Washington Street, thence along West Washington Street Northeasterly to its

502	35 mph	intersection with West Jackson Street, thence East along West Jackson Street to its intersection with South Buffalo Street. On West Washington Street (also known as Webster County Route "OO" and also known as I-44 outer roadway) from its intersection with Lundh Boulevard Northeastly to its intersection with Spur Drive (Missouri State Highway No. 38).
	40 mph	On West Washington Street (also known as Webster County Route "OO" and also known as I-44 Outer Roadway) from its intersection with the West City limits of the City of Marshfield, Northeastly to its intersection with Lundh Boulevard.
538	30 mph	On Banning Street from Hubble Drive West and South to the Marshfield Spur (State Route 38).
543	35 mph	On South Marshall Street (being Webster County Route "A") from Third Street South to the City limits.
	25 mph	On East McVay Street from Marshall Street (being Webster County Route "A") to Pine Street.
	30 mph	On East Jackson Street (being Webster County Route "DD") from Pine Street Easterly to South Walnut Street.
650	25 mph	George Street.
	25 mph	Warren Avenue.
	25 mph	Prairie Lane South of West Washington Street.
685	30 mph	Briarwood Drive.
	30 mph	Woodridge Drive.
	30 mph	That portion of Forrest Drive within the City limits.
	30 mph	That portion of Meadowview Street within the City limits.
	30 mph	That portion of Bluff Road within the City limits.
716	25 mph	Wallis Avenue.
	25 mph	Cherokee Court.
	25 mph	Pomme De Terre Street.
	25 mph	Oak Grove Street.
	25 mph	Haymes Court.
857	15 mph	Victoria Street.
	15 mph	Joann Street.
	15 mph	Wilsonway Drive.
867	30 mph	North Pine Street from Crestwood Drive North to end of North Pine Street.
	30 mph	Bluff Road between North Pine Street and Briarwood Drive.

	30 mph	Forest Drive between North Pine Street and Briarwood Drive.	
905	25 mph	West Jefferson Street from Spur Drive to Prairie Lane.	
958	25 mph	On North Elm Street from its intersection with Julian Street to its intersection with State Highway DD.	From 7:45 A.M. to 8:30 A.M. and from 2:45 P.M. to 3:30 Monday--Friday when school is in session.
992	25 mph	On Julian Street lying between North Pine Street and North Elm Street	From 7:45 A.M. to 8:30 A.M. and from 2:45 P.M. to 3:30 P.M. Monday--Friday when school is in session.
1209	35 mph	On Golf Course Road from North Elm Street and east 2,640 feet;	
	45 mph	Thence from that point east 2,640 feet to the City limits of Marshfield, Missouri.	
1214	30 mph	On East Washington Street between Pine Street and Walnut Street.	

SCHEDULE II. STOP SIGNS

In accordance with the provisions of Section 335.040, and when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection before entering any of the following streets or parts of streets:

<i>Ordinance</i>	<i>Location</i>
340	Banning Street
	Bedford Street
	Blinn Avenue
	North and South Buffalo
	Burford Street
	Chestnut Street
	Church Street
	North and South Clay Street
	Commercial Street
	North and South Crittenden Street
	Elizabeth Street
	North and South Elm Street
	George Street
	Hereford Drive
	Hillcrest Drive
	Hillsboro Drive
	Hubble Drive
	East and West Jackson Street
	Julian Street
	Locust Street

	East and West Madison Street
	Maple Street
	North and South Marshall Street
	Massey Street
	McVay Street
	Mill Street
	North and South Olive Street
	North and South Pine Street
	Pine Ridge
	North and South Pitts
	St. Charles Street
	Second Street
	Spur Drive
	Sunset Avenue
	Third Street
	North and South Vine Street
	North and South Walnut Street
	East and West Washington Street
	North and South White Oak
	Wilson Way
	All streets designated as part of the Missouri State Highway Department System of Roads.
404	Upon entering Pine Street from McVay Street or upon entering McVay Street from Pine Street.
649	Upon entering George Street from Warren Avenue. Upon entering Prairie Lane from Warren Avenue. Upon entering Warren Avenue from Prairie Lane.
786	Upon entering Banning Street from Church Street.
684	Upon entering Briarwood Drive from Bluff Road. Upon entering Briarwood Drive from Meadowview Street. Upon entering Briarwood Drive from Forrest Drive. Upon entering Woodridge Drive from Forrest Drive (both eastbound and westbound). Upon entering Woodridge Drive from Meadowview Street (both eastbound and westbound). Upon entering Woodridge Drive from Bluff Road (eastbound).
717	Upon entering Lundh Boulevard from Wallis Avenue (both from the east and from the west). Upon entering "OO" Highway from Pomme De Terre Street. Upon entering "OO" Highway from Oak Grove Street. Upon entering Hereford Drive from Oak Grove Street. Upon entering Oak Grove Street from Wallis Avenue (both from the east and from the west). Upon entering Warren Avenue from Haymes Court.
786	Upon entering Banning Street from Church Street.
802	Upon entering either Elm Street or Locust Street from the private roadway running east and west through the Marshfield R-1 School District property containing the Hubble, Webster and High Schools.
830	Upon entering Pine Street from Stoney Park Place.

840 Upon entering Oak Grove Street from Wallis Avenue.

844 Upon entering State Highway "CC" (also known as Hubble Drive) from Valleyview Street.

866 Upon entering North Pine Street from Bluff Road (one (1) intersection from the east and a separate intersection from the west--two (2) separate signs).
Upon entering North Pine Street from Meadowview Street.
Upon entering North Pine Street from Forest Drive.
Upon entering Forest Drive from Hawthorne Place.

886 Upon entering Golf Course Road from Woodhurst Drive.

888 Upon entering East Jackson Street from South Elm Street.

895 Upon entering Wallis Avenue from Oak Grove both northbound and southbound.
Upon entering Wallis Avenue from Prairie Lane both northbound and southbound.
Upon entering Prairie Lane from Wallis Avenue westbound.

943 Upon entering White Oak Street from Birchwood Street.
Upon entering Birchwood Street from Aspen Street.
Upon entering Woodlawn Street from Aspen Street.
Upon entering White Oak Street from Woodlawn Street.
Upon entering Berkley Street from Bradford Street.
Upon entering Golf Course Road from Brookside Street.

946 Upon entering South Walnut Street from Second Street both eastbound and westbound.
Upon entering Second Street from South Walnut Street both northbound and southbound.

959 Upon entering West Bedford Street from White Oak Street.
Upon entering Elm Street eastbound from Jackson Street.
Upon entering Julian Street southbound from Poplar Street.

1128 Upon Cherry Blossom Way at its intersection with Elm Street, east end of said intersection.

1129 Upon Cherry Blossom Way at its intersection with Missouri State Highway "DD", on the south end of said intersection.

1130 On the south end of the west private drive to Shook Elementary at its intersection with Missouri State Highway "DD".

1131 On the south end of Elm Street at its intersection with Cherry Blossom Way.

1137 On Wallis Avenue at its east and west intersections with Oak Grove Street.

1138 On Wallis Avenue at its east and west intersections with Prairie Lane.

1143 On St. Charles alley at its east and/or west intersections of Fulton Street, North Street, Pitts Street, Pine Street and Crittenden Street.
Upon any unnamed public access alleys as they may intersect with Price Drive at its east and/or west intersections of Fulton Street, North Street, Pitts Street and Pine Street, Fulton Street, North Street, Marshall Street and Crittenden Street.

1165 On Bond Street at its intersection with Lewis Street--sign being on the south end of said intersection.

1200 Brookhills Drive at its intersection with North Marshall Street on the east side of intersection.

1201 Lacey Springs Drive at its intersection with Brookhills Drive

	on the north side Brookhills Drive on said intersection.
1220	Creekside Place at its intersection with Richwater Drive on the right side of said intersection.
1302	South Buffalo Street at its intersection with Lucas Street.
1306	West Third Street at its intersection with Buffalo Street.
1347	Lundh Boulevard at its intersection with Wallis Avenue. Cherry Street at its intersection with East Washington Street. Young Drive at its intersection with Johnson Street. Young Avenue at its intersection at East Washington Street.
1355	Hereford Street at its intersection with Vivian Street, said stop sign being on the southwest side of said intersection.
1367	Crestwood Drive at its intersection with North Marshall Street.

SCHEDULE III. PARKING PROHIBITED

In accordance with the provisions of Sections 365.030 and 365.040, and when signs are erected giving notice thereof, vehicles shall not be parked in the following locations at the specified times:

<i>Ordinance</i>	<i>Location</i>	<i>Hours Parking Prohibited</i>
340	Spur Drive.	At all times
	South side East Jackson Street between Pine and Walnut Street.	At all times
278A	That part of West Jackson Street which borders Lot 1 of Block 4, Valley Row of Blocks of the Original Town Plat of Marshfield (the Christian Church frontage).	At all times
	That part of the South side of East Commercial Street commencing twenty (20) feet East of the intersection of East Commercial Street and South Marshall Street and running to the intersection of East Commercial Street and South Marshall Streets.	At all times
	That part of the East side of South Marshall Street lying between a point commencing twenty (20) feet South of the intersection of South Marshall Street and East Commercial Street and running to the intersection of South Marshall Street and East Commercial Street.	At all times
467	That part of the East side of Chestnut Street from its intersection with Commercial Street South two hundred (200) feet.	3:00 P.M. to 4:00 P.M.
467	That part of the West side of Chestnut Street commencing at its intersection with Commercial Street and running South one hundred fifty (150) feet.	8:00 A.M. to 9:00 A.M. and 3:00 P.M. to 4:00 P.M.
467	That part of the West side of Chestnut Street commencing at a point one hundred fifty (150) feet South of the intersection of Chestnut Street and Commercial Street and running fifty (50) feet South.	3:00 P.M. to 4:00 P.M.
641	North side of Commercial Street between Crittenden Street and Pitts Streets.	At all times

728	Upon both sides of Warren Avenue from its intersection with George Street westward to and including its intersection with the private drive of Tyler Pipe Industries, Inc., Coupling Division.	At all times
787	Banning Street from Church Street to the intersection with Missouri Highway 38 right-of-way.	At all times
998	Upon the north side of West Jackson Street from its intersection with Mill Street, westward to and including that point on West Jackson Street four hundred forty-five (445) feet west of the right-of-way of Mill Street.	At all times
1007	South side of McVay Street from Marshall Street to Pine Street.	At all times
1102	Upon the north side of East Jackson Street between and including 507 East Jackson Street and 527 East Jackson Street.	At all times
1237	That part of the North side of East Washington commencing at a point 15 feet east of the Catholic Church entrance onto East Washington Street and running West 60 feet.	At all times
1273	Upon the north and south sides of West Burford Street its intersections with White Oak Street and Buffalo Street.	At all times

SCHEDULE IV. PARKING RESTRICTED

In accordance with the provisions of Sections 365.050 and 365.060, and when signs are erected giving notice thereof, vehicles shall not be parked in the following locations at the specified times:

<i>Ordinance</i>	<i>Location</i>	<i>Hours Parking Restricted</i>
153	On the North side of East Jackson Street (supplementary Route DD) between Pine Street and Walnut Street.	1 hour limit
186	On the West Side of North Clay Street between West Jefferson and a Westerly extension of the alley running between Block One and Block Two of Olive Row of Blocks in Second Addition to the City of Marshfield, Missouri.	1 hour limit
	On the West side of Allen Street between West Jackson Street and West Washington Street.	1 hour limit
234	On that part of East Madison Street lying between South Olive Street and South Locust Street.	1 hour limit
278A	On the West side of South Crittenden Street lying between the South right-of-way line of the Frisco Railway and Commercial Street.	1 hour limit
	On the West side of North Clay Street lying between the North line of Lot 1 of Block 1 of Cedar Row of Blocks in	

340	<p>Second Addition to the City of Marshfield and the intersection of North Clay Street with Jefferson Street (that portion in front of the Marshfield Mail office and the Post Office).</p> <p>On outside portion of those streets comprising the Public Square.</p>	<p>15 minute limit</p> <p>1 hour limit between 8:00 A.M. and 5:00 P.M. except Sundays and public holidays</p>
481	<p>On Locust Street between Jackson and Washington Streets.</p> <p>On the East side of Clay Street between the intersection of Clay Street and Jackson and the North right-of-way line of the Burlington-Northern Railroad.</p> <p>Upon the West side of Clay Street between the intersection of Clay Street and Jackson Street and the North right-of-way line of the Burlington-Northern Railroad.</p>	<p>1 hour limit between 8:00 A.M. and 5:00 P.M. except Sundays and public holidays</p> <p>2 consecutive hour limit between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday.</p> <p>4 consecutive hours in any 24 hour period, all days of the week.</p>

SCHEDULE V. COMMERCIAL VEHICLES -- PARKING RESTRICTED

The following Schedule, as authorized by Section 365.070 and Chapter 365, shall restrict certain vehicles from parking on certain streets at certain times as indicated:

Table V-A. Vehicle with 1½ Ton Capacity -- Parking Restricted -- Where

<i>Ordinance</i>	<i>Location</i>	<i>Restriction</i>
69	<p>On that part of Clay Street lying between Madison Street and Jefferson Street.</p> <p>On that part of Jefferson Street lying between Clay Street and Crittenden Street.</p> <p>On that part of Crittenden Street lying between Jefferson Street and Madison Street.</p> <p>On that part of Madison Street lying between Crittenden Street and Clay Street.</p> <p>On any part of the Public Square.</p>	<p>Vehicles with capacity of 1½ tons-no parking anytime except when loading or unloading</p> <p>Vehicles with capacity of 1½ tons-no parking anytime except when loading or unloading</p> <p>Vehicles with capacity of 1½ tons-no parking anytime except when loading or unloading</p> <p>Vehicles with capacity of 1½ tons-no parking anytime except when loading or unloading</p> <p>Vehicles with capacity of 1½ tons-no parking anytime except when loading or unloading</p>
340	On either side of West Jackson Street,	No parking anytime

Table V-B. Restrictions on Certain Parking Lots

<i>Ordinance</i>	<i>Location</i>	<i>Restriction</i>
485	The parking lots in any of the Marshfield City parks including but not limited to the park at 798 South Marshall Street (Shook Field and the tennis courts); the park containing Garst Drive (the Marshfield Pool and Webster County Fairgrounds); the park located between North Marshall Street and Banning Street and Hubble Drive (shelter house lot); Frisco Park; and Massey Park. The parking lot surrounding the Marshfield City Hall at 798 South Marshall Street.	
	The City parking lot located between North Marshall Street and North Crittenden Street and adjacent to the Marshfield Fire Department.	Vehicles bearing a license in excess of twelve thousand (12,000) pounds, or any unlicensed truck or trailer.
1074	On either side of West Washington Street between Clay Street and White Oak Street	Vehicles having a greater gross weight than twelve thousand (12,000) pounds --no parking any time except when loading or unloading.
<ol style="list-style-type: none"> 1. The provisions of this Table shall not apply to any truck actually making a local delivery, and loading and/or unloading at one (1) of the locations set forth in this Table, provided the driver of said truck stays with the truck at all times; if the driver of the truck is not with the truck, the provisions of this Table shall apply. 2. The provisions of this Table shall not apply to any truck belonging to the City of Marshfield, the County of Webster, or the State of Missouri. 3. The provisions of this Table shall not apply to the City park on North Marshall Street containing Garst Drive (the Webster County Fair Grounds) during those days of the year when said park is used for the Webster County Fair as authorized by the Webster County Fair Board. 4. In addition to any other penalties hereinafter provided, members of the Police Department of the City of Marshfield, are authorized to have any truck and/or unattended trailer in violation of this Table towed away and removed from the prohibited parking location to a garage or location designated by the Police Department, by any tow service designated by the Police Department, and the costs of towing and storage of said truck and/or trailer shall be paid by the owner of said truck or trailer. Whenever such a truck or trailer is removed, and the Police Officer knows, or is able to ascertain from the registration records, the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing, by regular mail, to such owner of the fact of such removal and the reason therefore, and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage. In the event the vehicle is not claimed by the owner within a period of three (3) days, then the officer shall immediately send, or cause to be sent, a written report of such removal by mail to the State Department of Revenue whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which such vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored. 		

5. In case any truck and/or unattached trailer, licensed in excess of twelve thousand (12,000) pounds, or unlicensed, is parked in violation of the provisions of this Table, the operator and/or owner of said truck and/or trailer shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation continues, but not more than two (2) days, or by imprisonment at a location to be designated by the City for a term of not less than seven (7) days or more than thirty (30) days, plus court costs. (Ord. No. 485 §§1-4, 8-9, 6-13-85)

SCHEDULE VI. ANGLE PARKING

Angle parking as authorized by Sections 350.020 and 350.030 is required in the following locations when properly sign posted:

<i>Ordinance</i>	<i>Location</i>
24	On the South side of East Madison Street from the Public Square to Fulton Alley.
hundred	On the South side of East Washington Street from the Public Square to a point one
	(100) feet East of said Public Square.
212	On those streets forming the Public Square.
	On the South side of Commercial Street between Chestnut Street and Pitts Street.

SCHEDULE VII. ONE-WAY STREETS

In accordance with Chapter 330, and when properly sign posted, traffic shall move only in the direction indicated upon the following streets:

<i>Ordinance</i>	<i>Name of Street</i>	<i>Direction of Traffic Movement</i>
340	Clay Street on Public Square	South
	Madison Street on Public Square	East
	Crittenden Street on Public Square	North
	Jefferson Street on Public Square	West
	Garst from the south entrance of North Marshall for a distance of one thousand six hundred fifteen (1,615) feet	East

SCHEDULE VIII. TRUCK ROUTES

When signs are erected giving notice thereof, no person shall operate a commercial vehicle except as provided under Section 380.240 except upon the following streets or parts of streets which are hereby designated as truck routes:

<i>Ordinance</i>	<i>Location</i>
340	North and South Elm Street
	East Washington Street
	Walnut Street from Missouri Highway "DD" to Missouri Highway No. 38
	Maple Street from Missouri Highway "A" to Clay Street; Clay Street North to Jackson Street

Roads All streets designated as part of the Missouri State Highway Department System of including, but not limited to, Missouri Route 38, "DD", "A", and the Interstate 44 outer roadway
From Spur Drive to West City limits

The provisions of this Schedule shall not apply to any commercial vehicle making a local delivery or pickup on streets in the City not designated as truck routes, providing the operator of said vehicle can prove such delivery purpose. Commercial vehicles as designated in this Schedule shall include vehicles owned and operated by political subdivisions.

SCHEDULE IX. RESERVED

Editor's Note--Ord. no. 1211 §1, adopted April 27, 2006, repealed schedule IX "two-hour parking" in its entirety. Former schedule IX derived from ord. no. 374 §§1--3, 5-10-79.

SCHEDULE X. MAXIMUM WEIGHT OF VEHICLES ON CERTAIN STREETS

- A. It is hereby declared unlawful and an offense for any motor vehicle, or combination of vehicles, to be moved or operated upon White Oak Street in the City of Marshfield, from the intersection of that street with the South City limits of said City to and including the intersection of White Oak Street with Maple Street in said City, and upon that portion of George Street in the City of Marshfield, from the intersection of that street with State Highway "OO" (Washington Street) to and including the intersection of George Street with Warren Avenue in said City, if said vehicle or combination of vehicles have a greater gross weight than twelve thousand (12,000) pounds.
- B. The provisions of this Schedule shall not apply to any person, firm or corporation operating a vehicle in excess of twelve thousand (12,000) pounds making a local delivery or pickup on property abutting said streets, providing the operator of said vehicle can prove such delivery purpose.
- C. If a person, firm or corporation violating any of the provisions of this Schedule shall, upon conviction, be punished by a fine computed at the rate of two cents (\$0.02) per pound exceeding twelve thousand (12,000) pounds gross weight for the first five hundred (500) pounds in excess of said twelve thousand (12,000) pounds; five cents (\$0.05) per pound for each and every pound of gross weight exceeding a total gross weight of twelve thousand five hundred (12,500) pounds up to and including thirteen thousand (13,000) pounds; and ten cents (\$0.10) a pound for each pound of gross weight in excess of thirteen thousand (13,000) pounds, or by imprisonment in the City Jail for a period not exceeding thirty (30) days, plus court costs, however, said fine shall not exceed the sum of five hundred dollars (\$500.00). (Ord. No. 323A §§1--3, 3-10-77; Ord. No. 719 §1, 10-13-94)

SCHEDULE XI. HANDICAPPED PARKING

When signs are erected in accordance with Section 355.100 giving notice thereof, no person shall park in the following parking spaces designated for Handicap Parking:

Ordinance

965
it

Location

At the last parking space on the North side of E. Washington Street where it intersects with Crittenden Street.

- At the last parking space on the North side of W. Washington Street where it intersects with N. Clay Street.
- 1139 At the first (1st) parking spot on the east side of North Marshall North of its intersection with Jefferson Street.

TITLE IV. ZONING CODE

CHAPTER 400: GENERAL PROVISIONS

SECTION 400.010: TITLE

These regulations constitute and may be referred to as "The Marshfield Zoning Code". (Ord. No. 201 §100, 11-14-67)

SECTION 400.020: PURPOSE

The purpose of this Title and the regulations contained herein is to promote the health, safety, morals and general welfare of the City of Marshfield, and is adopted as part of a Comprehensive Development Plan for said City as provided in Chapter 89, RSMo.

1. These regulations are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
2. These regulations are made with reasonable consideration of the character of each district, and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Marshfield. (Ord. No. 201 §101, 11-14-67)

SECTION 400.030: CLASSES OF DISTRICTS

For the purpose of these regulations, the City of Marshfield is divided into the following districts:

Residence Districts

- "R-1" Single-Family District
- "R-2" Two-Family District
- "R-3" Multiple-Family District
- "R-4" Patio Home District

Business Districts

- "B-1" Neighborhood Business District
- "B-2" Central Business District
- "B-3" General Business District

Industrial Districts

- "I-1" Light Industrial District

"I-2" Heavy Industrial District

"I-P" Planned Industrial District

Miscellaneous Districts

"A" Agricultural District

"P" Parking District

(Ord. No. 201 §102, 11-14-67; Ord. No. 738 §1, 6-8-95)

SECTION 400.040: ZONING MAP

The districts as enumerated in Section 400.030 hereof shall be bounded and defined as shown on a map entitled "Zoning Map - Marshfield, Missouri". Said "Zoning Map" and all the notations, references and information shown thereon is hereby adopted as part of these regulations and is hereby made a part of this Title as fully as if set forth in full herein. The "Zoning Map" shall be certified to be authentic by the City Clerk of the City of Marshfield, and said map, with all changes, amendments or additions, shall be kept on file in the office of the City Clerk and shall be available for inspection and examination by members of the public at all reasonable times in the same manner as any other public document. Duplicate copies of the "Zoning Map" shall be kept on file in the office of the Planning and Zoning Commission and the office of the Building Inspector. (Ord. No. 201 §103, 11-14-67; Ord. No. 579 §1--2, 9-13-90; Ord. No. 975 §1, 4-11-02; Ord. No. 979 §1, 5-9-02; Ord. No. 981 §1, 5-23-02; Ord. No. 985 §1, 8-8-02; Ord. No. 1028 §1, 8-14-03; Ord. No. 1097 §1, 11-18-04; Ord. No. 1098 §1, 11-18-04; Ord. No. 1099 §1, 11-18-04; Ord. No. 1100 §1, 11-18-04; Ord. No. 1116 §1, 2-24-05; Ord. No. 1117 §1, 2-24-05; Ord. No. 1118 §1, 2-24-05; Ord. No. 1119 §1, 2-24-05; Ord. No. 1126 §1, 4-28-05; Ord. No. 1141 §1, 6-23-05; Ord. No. 1142 §1, 6-23-05; Ord. No. 1194 §1, 1-26-06; Ord. No. 1199 §1, 2-9-06; Ord. No. 1234 §1, 10-12-06; Ord. No. 1270 §1, 5-10-07; Ord. No. 1271 §1, 5-10-07; Ord. No. 1298 §1, 8-9-07; Ord. No. 1299 §1, 8-9-07; Ord. No. 1305 §1, 10-11-07; Ord. No. 1308 §1, 11-8-07; Ord. No. 1320 §1, 1-24-08; Ord. No. 1331 §1, 4-10-08; Ord. No. 1337 §1, 5-8-08; Ord. No. 1348 §1, 9-11-08)

SECTION 400.050: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts on the Zoning Map, the following rules shall apply.

1. Where district boundary lines are indicated as approximately following streets or alleys, highways or railroads, such boundaries shall be construed as following the center-lines thereof.
2. Where district boundary lines are indicated as approximately following lot lines, or section lines, such lines shall be construed to be said boundaries.
3. Where a boundary of a district shall follow a stream, lake or other body of water, said boundary line shall be deemed to be at the limit or the jurisdiction of the City unless otherwise indicated.
4. Where a district boundary line divides a lot, or unsubdivided property, and the dimensions are not shown on the Zoning Map the location of such boundary shall be as indicated upon the Zoning Map using the scale appearing on such map or as indicated in notations on said map.
5. In any situation not covered by these rules, the boundary line shall be determined by the Building Inspector. (Ord. No. 201 §104, 11-14-67)

SECTION 400.060: INTERPRETATION

In their interpretation and application, the provisions of these regulations shall be held to be

minimum requirements. Except as specifically provided herein, it is not intended to repeal, abrogate, annul or in any way impair or interfere with any existing law or ordinance of the City of Marshfield or any easement, covenant or other agreement between parties; provided however, that where these regulations impose a greater restriction upon the use of buildings, or premises, or upon the height or bulk of buildings or requires larger building site areas, yards, or open spaces than are imposed or required by any such other law, ordinance, easement, covenant or agreement, then the provisions of these regulations shall control. Wherever the provisions of any other Statute or local ordinance or regulation require a greater width, or size of yard, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by these regulations, the provisions of such statute, local ordinance or regulation shall govern. (Ord. No. 201 §105, 11-14-67)

SECTION 400.070: CONFORMITY REQUIRED

- A. Except as otherwise provided herein, it shall be unlawful to use any land or building for any purpose other than is permitted in the district in which such land or building is located.
- B. No building shall hereafter be erected, reconstructed, relocated or structurally altered to have a greater percentage of lot area, to accommodate or have a greater number of facilities, to have narrower or smaller yards, courts or open spaces than permissible under the limitations set forth herein for the district in which such building is located.
- C. No part of a yard, or other open space required for any building, existing or hereafter provided for a building or use, and necessary to meet or partially meet the requirements of these regulations, shall be included as part of a yard or other open space required for another building.
- D. No lot which has been platted as of the effective date of these regulations, shall be reduced in dimension or area in relation to any building thereon so as to be smaller than that required by these regulations; if already less, the dimensions or area shall not be further reduced.
- E. No building shall hereafter be erected, reconstructed, relocated or structurally altered on any lot or parcel unless such lot or parcel faces a publicly dedicated street or right-of-way having a width of at least forty (40) feet. Where a building is in existence, no such required dedicated street or right-of-way shall be vacated so as to eliminate the required access to a publicly dedicated street or right-of-way.
- F. All unincorporated areas of land which shall hereafter be annexed to and become a part of the corporate area of the City of Marshfield shall automatically without any further action be zoned and classified as lying and being in a "R-1" District as herein defined and subject to all rules and regulations herein provided for "R-1" Districts. Upon any annexation becoming effective, the City Clerk shall immediately cause the "Zoning Map" of the City of Marshfield to be amended so as to reflect such classification and zoning as herein provided. (Ord. No. 201 §106, 11-14-67; Ord. No. 221 §1, 9-10-68)

SECTION 400.080: DEFINITIONS

The following words shall have the prescribed meaning in this Title unless otherwise noted:

ACCESSORY BUILDING: A detached subordinate building, located on the same lot with the main building, the use of which is customarily incidental to the main building or to the main use of the premises.

ACCESSORY USE: Any use which is customarily incidental to and subordinate to the main use of the premises.

ADVERTISING SIGN: Any structure, object or device, erected, maintained or used for advertising purposes related to the permitted principal use of the premises upon which the advertising sign is located. This definition includes the terms "*sign*"; "*roof-signboard*";

"signboard"; "advertising display", but does not include the term "billboard".

AGRICULTURAL USES: The growing of crops in the open and the raising of such stock and poultry as are incidental to the acreage farmed. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall riding academies, livery or boarding stables, or dog kennels be so considered.

ALLEY: A public thoroughfare which affords only a secondary means of access to abutting property.

ALTER OR ALTERATION: Any change, or modification in construction or occupancy.

APARTMENT: A room or suite of rooms in a multiple dwelling, or any other building where more than one (1) living unit is established, intended, designed, used, or suitable for use by one (1) or more persons as a place of residence with culinary accommodations.

APARTMENT HOUSE: A building or portion thereof intended, designed, used or suitable for use as a residence for three (3) or more families living in separate apartments.

BASEMENT: A story partly or wholly underground but having more than one-half (½) of its height below the average level of the adjoining ground.

BILLBOARD: Any structure object or device, erected, maintained or used for advertising purposes not related to a principal use of the premises upon which it is located.

BOARDING HOUSE: A building or place, other than a hotel, where by prearrangement and for compensation, lodging and/or meals for a definite period are provided for three (3) or more persons and such accommodations are not furnished to transient or overnight customers.

BUILDING: A structure having a roof supported by columns or walls, intended, designed, used or suitable for use for the enclosure, shelter or protection of persons, animals, or property; and when separated by fire or division walls without any opening, each portion of such structure so separated shall be deemed a separate building.

BUILDING HEIGHT: The vertical distance from the highest of:

1. The average street curb level in front of the building,
2. The established or average street grade in front of the building in case the curb has not been established, or
3. The average elevation of the finished grade along the front of the building if it sets back from the street line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge of gable, hip, curved and gambrel roofs.

BUILDING MAIN: A building in which is conducted the principal use of the lot or parcel upon which it is situated. Every dwelling in the residence district is a main building.

BUILDING SITE: The land area, consisting of one (1) or more lots, or part thereof, or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory buildings, or by a principal use and uses accessory thereto, together with such parking and loading spaces, yards and open spaces as are required by these regulations.

DRIVE-IN SERVICE: A type of retail sales which encourages, recognizes, or permits patrons or customers to call for service by the flashing of lights or by the parking of motor vehicles at a particular place, intended to result in a cash sale and delivery outside of the places of business to such patrons or customers of food or beverage ready and intended for immediate human consumption without cooking or further preparation.

DISTRICT: A section or sections of the City of Marshfield specifically declared within which the regulations governing the use of buildings and premises are uniform.

DUMP: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof or waste material of any kind.

DWELLING: Any building or portion thereof which is designed or used primarily for residential purposes.

DWELLING, SINGLE-FAMILY: A detached building or portion thereof designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY: A building or semi-detached building or portion thereof designed or occupied exclusively by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof designed with accommodations for or occupied by three (3) or more families living independently of each other who may or may not have joint services or facilities or both. The term includes dormitories and lodging and rooming houses but does not include hotels, motels and tourist courts.

DWELLING GROUP: Two (2) or more detached or attached single family, two-family or multiple-family dwellings occupying a single building site and having yards or open-space in common, but not including a motel or hotel or motor hotel.

FAMILY: The following living arrangements shall constitute a family:

1. One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; or
2. Two (2) unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit.

FILLING STATION: Any building or premises used solely or principally for the storage, dispensing, sale, or offering for sale, at retail of any automotive fuels, or lubricants and accessories. If such dispensing, sale or offering for sale is incident to the conduct of a public garage, the premises will be classified as a public garage.

GARAGE, PRIVATE: Any accessory building designed or used only for the housing and storage of automobiles which are the property of, or provided for, the exclusive use of the occupants of the lot or premises upon which such building is located and having no provisions for the repairing or equipping of such vehicles.

GARAGE, PUBLIC: Any building, portion of a building or premises designed, operated or used for commercial purposes in the storage, sale, hiring, care or repair of motor vehicles.

GOVERNING BODY - (LEGISLATIVE BODY): The Board of Aldermen of the City of Marshfield, Missouri. (The terms are synonymous.)

GROUP HOME: Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

GROUP OR ROW HOUSE: Two (2) or more detached or attached dwellings occupying a single premises and having any yard or other open space in common, but not including a motel.

HOME OCCUPATION: Any use customarily conducted entirely upon the premises and carried on by a member of a family, related by marriage or blood, residing in the dwelling, which use is clearly incidental and secondary to the use of the premises for dwelling purposes and which use neither changes the character thereof nor adversely affects the uses permitted in the district of which it is a part, no signs are displayed, except as permitted in this Title, no commodity is sold upon the premises, except that which is prepared on the premises; no outdoor display or storage of materials or supplies; no persons are employed; and no mechanical equipment is used that makes any loud, unnecessary, or unusual noise, or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others.

HOTELS: Any building or portion thereof having a common entrance, lobby, halls, stairs, and elevators, which is designed or used to offer for hire, by the general public, rooms for temporary lodging of transient guests and in which no provisions are made for cooking in the individual rooms or apartments.

HOUSE TRAILER: See "*MOBILE HOME*".

JUNK YARD: A lot, land or structure or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting,

dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

KENNEL: A place or establishment, other than a pound or animal shelter, where domesticated household animals, not owned by the proprietor, are sheltered, fed, watered or groomed in return for a consideration.

LOT: The smallest parcel of land shown as a unit on a recorded subdivision plat.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER OR EXTERNAL: A lot abutting upon two (2) or more streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension unless otherwise specified by the Building Inspector.

LOT, DEPTH OF: A mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.

LOT, DOUBLE FRONTAGE: An internal lot having a frontage on two (2) streets.

LOT, INTERNAL: A lot which does not constitute a corner or external lot.

LOT LINE, FRONT: A boundary line of a lot which coincides with a street boundary line. The word "street" as used in this definition shall not include alley unless it is at least forty (40) feet in width.

LOT LINE, REAR (INTERNAL): A boundary line of a lot which does not coincide with a street boundary line but may coincide with an alley line.

LOT LINE, SIDE (INTERNAL): A boundary line of a lot which does not coincide with a street boundary line. The word "street" as used in this definition does not include alley unless it is at least forty (40) feet in width.

LOT, REVERSED CORNER: A corner lot, the rear lot line of which either abuts upon, or is directly across an alley from the side lot line of another lot or parcel.

LOT WIDTH: The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Where side lot lines are not parallel the minimum width of a lot shall be measured at the front yard set-back line, but in no case shall the front lot line be less than thirty-five (35) feet in width.

MOBILE HOME: All vehicles used or so constructed as to permit being used as conveyances upon the public streets and highways and duly licensable as such, and constructed in such manner as will permit occupancy thereof for human habitation, dwellings or sleeping places for one (1) or more persons, provided further that this definition shall refer and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own power, towed or transported by another vehicle; provided that this definition shall not apply to any vehicle lawfully operated upon fixed rails.

MOBILE HOME COMMUNITY: Any area, tract, site or plot of land whereupon a minimum of twenty-five (25) mobile homes as herein defined are placed, located or maintained or intended to be placed located or maintained for dwelling purposes only and upon a permanent or semi-permanent basis.

MOBILE HOME, DEPENDENT: A mobile home which does not have a flush toilet and a bath or shower.

MOBILE HOME, INDEPENDENT: A mobile home which has a flush toilet and a bath or shower.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon a minimum of four (4) but less than twenty-five (25) mobile homes as herein defined are placed, located or maintained or intended to be placed, located or maintained for dwelling purposes.

MOBILE HOME SPACE: Any plot of ground within a mobile home community or mobile home park designed for the accommodation of one (1) mobile home as herein defined.

MOTEL: A group of buildings including either separate cabins or a row of connected cabins or rooms which contain individual sleeping accommodations for transient occupancy and have individual entrances.

MOTOR VEHICLE REPAIR SHOP: A building or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

NON-CONFORMING USE: The use of any building or premises which is lawful at the time of the effective date of this Title but which use does not conform with the regulations and requirements of this Title for the district where located. This definition shall have the same application to any amendments hereto.

NURSING HOME - CONVALESCENT HOME: A licensed dwelling where persons are housed or lodged and furnished with professional nursing and convalescent care for a fee.

OPEN UNOCCUPIED SPACE: That area of private property upon which this Title prohibits the location of any building or structure except as provided in supplementary regulations.

PARCEL: All contiguous lands (including lots and parts of lots) held in one (1) ownership.

PARKING AREA, PUBLIC OR CUSTOMER: An area other than a private parking area, street or alley, used for parking of automobiles and available for public or semi-public use.

PARKING SPACE: A surfaced area of not less than two hundred (200) square feet on private or public property, either within or outside a building, suitable in size and location to store one (1) standard automobile.

PATIO HOME: A two-family residence constructed in an "R-4" Residential District constructed in conformance with all applicable City Building Codes, having a code conforming fire wall dividing said structure which said dividing fire wall is centered on the dividing lot line so that one (1) single-family residence (dwelling unit) is located on each side of said dividing lot line, with the left side of each such lot, when viewed from the street, to be designated by Lot No. __A, and the right side to be designated by Lot No. __B, with each side of said lot, including the single-family residence located thereon, being capable of being legally conveyed in fee simple, independently of the other side, without replatting, so that title to each side and dwelling unit may be held by a different owner or owners.

PERSON: Any natural individual, firm, trust, partnership, association or corporation.

PLAT: A map, plan or layout of a city, township, section, or subdivision indicating the location and boundaries of individual properties.

PORTABLE BUILDINGS: Accessory outbuildings for residential purposes not having a permanent footing or foundation in the ground and not being affixed to the ground except by rods or stakes. A detached subordinate building located on the same lot with the main building the use of which is customarily incidental to the main building or to the main use of the premises. Total buildings allowed shall be two (2). The combined total square footage shall not exceed two hundred (200) square feet.

PREMISES: A parcel together with all buildings and structures thereon. See "**BUILDING SITE**."

ROOMING HOUSE: A building or portion thereof other than a hotel, where lodging of four (4) or more persons is provided for compensation.

SETBACK LINE--BUILDING: The distance extending across the full width of a lot, the depth of which shall be measured between the front line of the building and the street line of the street right-of-way.

SIGN: Any words, numerals, figures, devices, designs or trade marks by which anything is made known, such as are used to designate an individual, firm, profession, business, or a commodity and which are visible from any public street or air. See "**ADVERTISING SIGN**" and "**BILLBOARD**".

SITE: See "**PARCEL**".

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: That area of land platted and dedicated for public use, or lawfully used, as a public thoroughfare for vehicular travel; excluding from this definition access ways commonly designated as alleys.

STREET LINE: The dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURE: Anything fabricated, assembled, constructed or erected by the skill of man, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to buildings, advertising signs, billboards, poster panels, steak ovens, trash burners, radio towers, retaining walls, poles and fences.

STRUCTURE ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; any substantial change in the roof or in the exterior walls, excepting from this definition such alterations as may be required for the safety of the building.

THEATER, MOVING PICTURE: A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.

TOURIST CABINS: See "**MOTEL**".

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TRAILER CAMP: See "**MOBILE HOME PARK**".

USE: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "*permitted use*" or its equivalent shall not be deemed to include any non-conforming use.

USE, ACCESSORY: See "**ACCESSORY USE**".

WAY: A street or an alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

YARD: An open space on a lot, which is unoccupied and unobstructed from the ground upward, exclusive of that portion dedicated for public streets, except as otherwise provided in this Title.

YARD, FRONT: A space extending across the entire front of a lot between the structure setback line as required by the regulations of a particular zoning district and the roadway right-of-way line.

YARD, REAR: A space opposite the front yard, extending across the entire rear of a lot between the structure setback line as required by the regulations of a particular zoning district and the rear lot line.

YARD, SIDE: A space extending between the structure setback line as required by the regulations of a particular zoning district and the side lot lines measured between the front yard and the rear yard.

YARD MEASUREMENT: In measuring a yard for the purpose of determining the width of a side yard or the depth of a front or rear yard; the horizontal distance between the side lot line, front lot line or rear lot line, respectively, and a line parallel thereto and passing through the nearest point of the building shall be used.

ZONING COMMISSION - (PLANNING COMMISSION): The terms "*Zoning Commission*" and "*Planning Commission*" are synonymous for the purposes of this Title. (Ord. No. 201 §107, 11-14-67; Ord. No. 415 §1, 10-9-80; Ord. No. 738 §2, 6-8-95; Ord. No. 1073 §1, 4-8-04; Ord. No. 1105 §1, 1-13-05; Ord. No. 1191 §1, 1-12-06)

CHAPTER 405: ZONING DISTRICTS

SECTION 405.010: "R-1" -- SINGLE-FAMILY RESIDENCE DISTRICT

- A. The following regulations shall apply to every lot, building site or parcel in an "R-1" Residence District and shall be subject to all of the general provisions of this Title.
- B. *Uses Permitted.*
1. One (1) Single-Family dwelling.
 2. Accessory buildings and uses customarily incident to the uses permitted, all located on the same lot or parcel, and regulated as provided in Sections 410.010 and 410.020.
 3. Temporary buildings for use incident to construction, which buildings must be removed upon completion or abandonment of the construction work.
 4. Temporary signs pertaining to the lease or sale of a building or premises; provided that such signs do not exceed four (4) square feet in area and no more than one (1) sign, for the identical purpose, may be exhibited.
- C. *Conditional Uses.* The following uses shall be permitted only if authorized by the Planning and Zoning Commission as provided in Section 410.040.
1. Public, parochial or private schools, attendance at which satisfies the requirements of the compulsory education laws for the State of Missouri, but not including private nurseries, day schools, or kindergartens accommodating ten (10) or more children.
 2. Churches, providing any bulletin boards or identification signs shall not exceed twenty (20) square feet in area.
 3. Municipal parks and playgrounds and community clubhouse.
 4. Parking lot when established to fulfill parking requirements for an existing or permitted use in the district.
 5. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature. (Ord. No. 201 §§210--212, 11-14-67)

SECTION 405.020: "R-2" -- TWO-FAMILY RESIDENCE DISTRICT

- A. The following regulations shall apply to every lot, building site or parcel in an "R-2" Residence District and shall be subject to all of the general provisions of this Title.
- B. *Uses Permitted.*
1. One (1) Two-Family dwelling.
 2. One (1) Single-Family dwelling.
 3. Accessory buildings and uses customarily incident to the uses permitted, all located on the same lot or parcel, and regulated as provided in Sections 410.010 and 410.020.
 4. Temporary buildings for use incident to construction, which buildings must be removed upon completion or abandonment of the construction work.
 5. Temporary signs as regulated in Section 405.010 Subsection (B)(4).
- C. *Conditional Use.* The following uses shall be permitted only if authorized by the Planning and Zoning Commission as provided in Section 410.040.
1. Planned Unit Development as regulated in Section 410.120.
 2. Public, parochial or private schools as regulated in Section 405.010, Subsection (C)(1).
 3. Churches as regulated in Section 405.010, Subsection (C)(2).
 4. Municipal parks and playgrounds and community clubhouse.
 5. Parking lot when established to fulfill parking requirements for an existing or permitted use in the district.
 6. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature. (Ord. No. 201 §§220--222, 11-14-67)

SECTION 405.030: "R-3" -- MULTIPLE-FAMILY RESIDENCE DISTRICT

- A. The following regulations shall apply to every lot, building site or parcel in an "R-3" Residence District and shall be subject to all of the general provisions of this Title.
- B. *Uses Permitted.*
1. One (1) Multiple-Family dwelling.
 2. Boarding House.
 3. One (1) Two-Family dwelling.
 4. One (1) Single-Family dwelling.
 5. Accessory buildings and uses customarily incident to the uses permitted, all located on the same lot or parcel, and regulated as provided in Sections 410.010 and 410.020.
 6. Temporary building or use as regulated in Section 405.020, Subsection (B)(4).
 7. Temporary signs as regulated in Section 405.010, Subsection (B)(4).
- C. *Conditional Uses.* The following uses shall be permitted only if authorized by the Planning Commission as provided in Section 410.040.
1. Dwelling Group.
 2. Planned Unit Development as regulated in Section 410.120.
 3. Public, parochial or private schools as regulated in Section 405.010, Subsection (C)(1).
 4. Churches as regulated in Section 405.010, Subsection (C)(2).
 5. Municipal parks and playgrounds and community clubhouse.
 6. Parking lot when established to fulfill parking requirements for an existing or permitted use in the district.
 7. Hospitals and clinics, nursing homes, but not including the housing or treatment of animals.
 8. Private clubs, fraternities, sororities, and lodges, not including those whose activities are the providing of services customarily carried on as a business.
 9. Private nurseries, day schools, kindergartens and children's homes.
 10. Convalescent homes and housing for the aged.
 11. Professional office.
 12. Mini-storage units.
 13. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature. (Ord. No. 201 §§230--232, 11-14-67; Ord. No. 904 §1, 11-18-99)

SECTION 405.035: "R-4" -- PATIO HOME RESIDENCE DISTRICT

- A. The following regulations shall apply to every lot, building site or parcel in an "R-4" Patio Home Residence District and shall be subject to all of the general provisions of this Title except as specifically modified for this district, which said modifications shall then control.
- B. *Uses Permitted.*
1. One (1) patio home (two (2) residence units).
 2. Accessory buildings and uses customarily incident to the uses permitted, all located on the same lot or parcel, and regulated as provided in Sections 410.010 and 410.020.
 3. Temporary buildings for use incident to construction, which buildings must be removed upon completion or abandonment of the construction work.
 4. Temporary signs pertaining to the lease or sale of a building or premises; provided that such signs do not exceed four (4) square feet in area and no more than one (1) for the identical purpose may be exhibited.
- C. *Conditional Uses.* The following uses shall be permitted only if authorized by the Planning and Zoning Commission as provided in Section 410.040.

1. *Group homes.* No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature. (Ord. No. 738 §3, 6-8-95)

SECTION 405.040: RESIDENTIAL DENSITY REQUIREMENTS

(Ord. No. 201 §260, 11-14-67; Ord. No. 738 §4, 6-8-95)

SECTION 405.050: "B-1" -- NEIGHBORHOOD BUSINESS DISTRICT

- A. This business district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of people of adjacent residential areas. Because these

shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for air, light, open space and off-street parking are made than are provided for in other commercial districts.

B. *Uses Permitted.*

1. All uses permitted in any residential district subject to all provisions specified for such residential districts.
2. Bakeries and confectioneries not employing more than six (6) persons.
3. Barber shops and beauty parlors.
4. Banks and savings and loan companies.
5. Custom service in the business of dressmaking, millinery or tailoring.
6. Self-service laundries having not more than two (2) employees in the performance of service upon the premises.
7. Drug stores having no curb or parking lot delivery service of fountain products.
8. Grocery and/or meat shop.
9. Dry cleaning plants, or establishments doing dry cleaning, if such plant or business has not more than seven (7) employees.
10. Restaurant not including drive-in facilities.
11. Offices.
12. Subject to all regulations otherwise provided by ordinance advertising signs as defined herein are permissible, as regulated in Chapter 407. (Ord. No. 201 §§310, 311, 11-14-67)

SECTION 405.060: "B-2" -- CENTRAL BUSINESS DISTRICT

- A. This business district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

B. *Uses Permitted.*

1. All uses permitted in any "B-1" Neighborhood Business District.
2. Appliance repair shops, provided not more than five (5) people may be engaged in the repair service, and no equipment powered by greater than five (5) horsepower motors. This does not authorize the manufacture of any item, article or product.
3. Automotive parts and machine service.
4. Bakeries and confectioneries.
5. Beer parlor, tavern or nightclub.
6. Bicycle and motor-driven cycles and repair shops.
7. Billiard hall.
8. Bowling alley.
9. Clinics, not including the housing or treatment of animals.
10. Feed stores, not including the milling or grinding of feed products.
11. Florist shop.
12. Food and cold storage lockers.
13. Grocery stores, including supermarkets and dairy products stores.
14. Hardware stores.
15. Hotels.
16. Lodge halls and similar uses.
17. Motor hotels.
18. Parking lots.
19. Printing shops and newspaper plants.
20. Public buildings and public uses.

21. Radio stations.
22. Railroad, bus and cab depots.
23. Schools, business and commercial.
24. Theaters, not including drive-in.
25. Undertaking establishments.
26. Subject to all regulations otherwise provided in this and other ordinances, advertising signs as defined herein are permissible as regulated in Chapter 407. Billboards as defined herein are prohibited.

C. *Conditional Uses.*

1. Light industrial uses, which do not constitute a nuisance by reason of noise, vibration, odor, dust, smoke, gas or other offensive conditions (see Section 410.040).
2. Kennels. (Ord. No. 201 §§320--322, 11-14-67; Ord. No. 1186 §1, 1-12-06)

SECTION 405.070: "B-3" -- GENERAL BUSINESS DISTRICTS

- A. This Business District is for conduct of retail trade and to provide personal services which, due to their character, create an increased traffic flow and higher density of land use. Because of these characteristics less restrictive uses and requirements are made in this District than are found in a Neighborhood Business District, or a Central Business District.

B. *Uses Permitted.*

1. All uses permitted in any "B-1" Neighborhood Business District, or "B-2" Central Business District.
2. Gasoline and oil filling stations.
3. Restaurants and eating establishments, including drive-ins.
4. Theaters, including drive-in.
5. Fruit and vegetable market.
6. Garage, automobile repair and machine work.
7. Used car sales, not including salvage or wrecking of any kind.
8. Subject to all regulations otherwise provided by ordinance, advertising signs as defined herein as regulated in Chapter 407 are permissible. Billboards are prohibited.

C. *Conditional Uses.*

1. Light industrial uses which do not constitute a nuisance by reason of noise, vibration, odor, dust, smoke, gas or other offensive conditions.
2. *Adult entertainment businesses.* The following definitions shall be applicable to the following conditional use provisions:

ADULT BOOKSTORE: A commercial use having more than ten percent (10%) of its floor area or stock-in-trade, books, photographs, pictures, magazines, and other periodicals or materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET: A commercial use that involves one (1) or more of the following:

1. Dancers, go-go dancers, exotic dancers, male or female impersonators or similar entertainers or any live entertainment and which excludes minors or from which minors are prohibited by Statute or ordinance, and whether or not any such business is licensed to sell alcoholic beverages.
2. A nightclub, bar, restaurant, or similar use which regularly features:
 - a. A person or persons in a state of nudity; or
 - b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities, including topless or bottomless dancers, exotic dancers or strippers; or
 - c. Films, motion pictures, video cassettes or tapes, slides, cd roms, dvds, internet or

other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT: A commercial use that involves one (1) or more of the following:

1. Any building, use or part thereof in which is provided services of which a principal feature or characteristics is the nudity or partial nudity of any person.
2. Any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods, including books, magazines, pictures, slides, film, phonograph records, prerecorded magnetic tape, cd rom, dvd, internet and other reading, viewing and encounters, the principal feature of which is the nudity or partial nudity of any person, or in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisements.
3. Any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.
4. Adult cabaret or adult motion picture theater.

ADULT MOTION PICTURE THEATER: A commercial use which shall be in an enclosed building and which presents motion picture films, video cassettes, television, cd rom, dvd, internet, or any other such visual media distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as hereinafter defined for observation by patrons therein.

ADULT STORE: A commercial use which has devoted more than ten percent (10%) of its floor area or stock-in-trade to the sale, rental or any form of consideration of any one (1) or more of the following: books, magazines, periodicals or other printed matter, photograph, films, motion pictures, video cassettes, video tapes, cd roms, dvds, internet or other visual representations which depict or describe specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia which depicts specific anatomical areas or are designed for use in connection with specific sexual activity.

ADULT USE: A commercial use that involves one (1) or more of the following:

1. Adult book store.
2. Adult store.
3. Adult motion picture theater.
4. Adult cabaret.
5. Adult entertainment.
6. Specified sexual activities.
7. Specified anatomical areas.

SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the areola and human male genitals in a discernibly erect state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

3. The Planning and Zoning Commission may approve a conditional use for the special use of adult bookstores, adult cabarets, adult entertainment, adult motion picture theaters, and/or adult stores, only if the following requirements have been met:
 - a. Shall be located on a lot having at least one hundred (100) feet of frontage on an arterial street, and access shall be only from an arterial street.
 - b. Shall be located entirely within an enclosed building.
 - c. Shall have no openings, entries or windows which permit view into the building from

- any street, sidewalk or other public place.
- d. Shall not be located within one thousand (1,000) feet of any religious institution, school, daycare, park, public building, or any property of residential zoning or use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior wall of the building in which the adult use is located to the closest property line of the religious institution, school or public park, or the property zoned for residential use.
 - e. Shall not be located or expanded within one thousand (1,000) feet of any other adult use. The distance between an adult use and another adult use shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
 - f. Shall be provided with a screen, consisting of approved trees and shrubbery, which shall be planted and maintained at a minimum of eight (8) feet high by twenty (20) feet wide along interior lot lines or where the lot abuts a residential district, except for approved access points.
 - g. Shall have at least one (1) parking space per seventy-five (75) feet of interior floor area.
 - h. Shall not have more than one (1) wall-mounted sign and one (1) freestanding sign.
 - i. Shall not have signage in excess of forty (40) square feet total.
 - j. Shall not have signage which moves, blinks, flashes, or simulates movement.
4. Any property owner who may be determined to have a non-conforming use at the time of passage of this Subsection shall comply with this Subsection by removing such non-conforming use within a period not to exceed one hundred eighty (180) days from the date of passage hereof. (Ord. No. 201 §§330--332, 11-14-67; Ord. No. 1013 §§1--2, 5, 3-27-03)

SECTION 405.080: BUSINESS DISTRICTS DENSITY REQUIREMENTS

SECTION 405.090: "I-1"--LIGHT INDUSTRIAL DISTRICT

- A. This industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust, and glare of such operation is completely confined within an enclosed building. These industries may require direct access to rail, air, or street transportation routes. However, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the heavy industrial district.
- B. *Uses Permitted.*
 - 1. All uses permitted in "B-3" District, except residential uses.
 - 2. Assembly or repair of electrical and mechanical appliances, instruments, devices, and the like.
 - 3. Vehicle finishing, repair, and the like.
 - 4. Building material production, storage, and sales uses.
 - 5. Food distribution and storage plants.
 - 6. Construction and agricultural equipment distribution, repair, storage, and sales.
 - 7. Transportation, storage and trucking yards.
 - 8. Agricultural feed and grain storage and sales.
 - 9. Laundry, cleaning, and dyeing works.
 - 10. Sheet metal, plumbing, and blacksmith shops.
 - 11. Wholesale business, storage warehouses, and the like.
 - 12. Bottling works.
 - 13. Research laboratories.
 - 14. Sign shops and service.
 - 15. Upholstering and furniture repair shops.
 - 16. General contractors.
- C. *Uses Prohibited.* Those uses are prohibited which may be obnoxious or offensive by reason of odor, dust, smoke, gas, or noise. (Ord. No. 201 §§410--411, 413, 11-14-67; Ord. No. 443 §1, 4-22-82)

SECTION 405.100: "I-2" -- HEAVY INDUSTRIAL DISTRICT

- A. This industrial district is intended to provide for heavy industrial uses not otherwise provided for in the districts established by this Title. The intensity of uses permitted in this district makes it desirable that they be located downwind and separate from residential and commercial uses whenever possible.
- B. *Uses Permitted.* Any use permitted in "I-1" Light Industrial District, unless otherwise prohibited by this Section.
- C. *Conditional Uses Permitted.* Provided that the location of such use has been approved by the Planning and Zoning Commission, according to Section 410.040, the following are permitted:
 - 1. Dehydration plant.
 - 2. Grain elevator and grain storage.
 - 3. Wholesale or bulk storage of gasoline or other petroleum products. (See fire prevention ordinance for other requirements).
- D. *Uses Prohibited.*
 - 1. Any residential use.
 - 2. Distillation of bones.
 - 3. Sanitary land fill, reduction or incineration of trash, garbage, offal, or dead animals.
 - 4. Stockyards.
 - 5. Central mixing plant for cement, mortar, plaster, concrete mix, paving material or asphalt.
 - 6. Fertilizer manufacture.
 - 7. Manufacturing of: cement lime ingredient, lime, gypsum, and plaster.

8. Smelting of any ore or metal.
9. Junk, automobile, or salvage yard of any kind.
10. Any use inconsistent with or expressly prohibited by the ordinances of the City. (Ord. No. 201 §§420--423, 11-14-67; Ord. No. 759 §§1--2, 1-11-96; Ord. No. 977, 5-9-02)

SECTION 405.110: "I-P" -- PLANNED INDUSTRIAL PARK DISTRICT

- A. The owner, or owners, of any contiguous and compact tract of land containing not less than five (5) acres may submit to the Planning and Zoning Commission a petition for the rezoning and subsequent exclusive use and development of all of such tract of land as a Planned Industrial Park District. In a Planned Industrial Park District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, or altered until such use, erection, construction, reconstruction or alteration shall have been specifically authorized by the Board of Aldermen, after study and recommendation by the Planning and Zoning Commission.
- B. *Uses Permitted.* Any industrial use, upon approval of the Board of Aldermen as provided in the paragraph above, shall be permitted in a Planned Industrial Park District provided no nuisance will result with regard to:
 1. Smoke and other particulate matter.
 2. Noise.
 3. Odor.
 4. Fire and explosive hazard.
 5. Gases.
 6. Glare or heat.
 7. Vibration.
 8. Water pollution.
 9. Other factors detrimental to the health, safety, and welfare of the area.
- C. The Planning and Zoning Commission shall satisfy themselves that the conditions listed above are met before recommending approval of any use in a Planned Industrial Park District. Pursuant to this Section, the applicant shall be required to furnish:
 1. Data describing all processes and equipment involved in the proposed use.
 2. Plans showing location and design of structures, delivery points, loading areas, walls, fences, screen planting, signs, lighting devices, and pedestrian walks.
 3. Plans illustrating adequate off-street parking in accordance to standards established by the Planning and Zoning Commission.
 4. Traffic routing system so designed as to minimize nuisance effects due to the generation of traffic to and from the use.
 5. Comprehensive landscaping plan.
 6. Any other information the Planning and Zoning Commission may need to adequately consider the effect that the proposed uses may have upon the cost of providing municipal services to the area. All sewage disposal systems and requirements for such systems must be approved by the City Engineer before a building permit is issued.
- D. The Planning and Zoning Commission shall further satisfy itself that the uses proposed for any Planned Industrial Park District shall be compatible with the adjacent and nearby uses of land, both existing and contemplated; and to the adequacy of street and highway access to the district to ensure that there is sufficient capacity for uses dependent on automotive transportation; and that the design and landscaping is in harmony with adjacent residential areas; and that the general plan is consistent with the intent and purposes of this Title to promote public health, safety, morals, or general welfare.
- E. The Planning and Zoning Commission may require the applicant to file a performance bond with the City Clerk during the period of construction, reconstruction, or alteration, such bond to be in

an amount, determined by the Commissioners, to be sufficient to ensure completion of landscaping and parking plans as submitted. (Ord. No. 201 §§430--431, 11-14-67)

SECTION 405.120: INDUSTRIAL DISTRICTS DENSITY REQUIREMENTS

SECTION 405.130: "A" -- AGRICULTURE DISTRICT

- A. This district is intended to provide a location for the land situated on the fringe of the urban area, that is used for agricultural purposes, but will be undergoing urbanization in the foreseeable future. Therefore, the agricultural uses and activities should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect any agricultural uses until urbanization is warranted and the appropriate changes in district classification are made.
- B. *Uses Permitted.*
 - 1. Agricultural uses and their accessory structures, as defined in Section 400.080.
 - 2. Farm houses, to the extent they qualify as agricultural accessory uses.
- C. *Conditional Uses.* The following uses shall be permitted only if authorized by the Planning and Zoning Commission as provided in Section 410.040.

1. Churches or similar places of worship, with their accessory structures.
2. Public, parochial or private schools and institutions of higher learning.
3. Public parks, public playgrounds, public institutions, and recreational areas operated by membership organizations for the benefit of their members and not for gain.
4. Dog kennels.
5. Livestock sale barn. (Ord. No. 201 §§510--512, 11-14-67)

SECTION 405.140: AGRICULTURAL DISTRICT DENSITY REQUIREMENTS

- A. The minimum building site area shall be twenty thousand (20,000) square feet.
- B. The minimum lot width shall be one hundred (100) feet.
- C. The maximum height of a principal building shall not exceed thirty-five (35) feet, except as provided in Section 410.060. For accessory buildings the maximum height shall not exceed fifteen (15) feet, except that required farm structures shall have no height limitations unless located in an existing, or proposed, flight zone in which case existing Federal regulations shall apply.
- D. The minimum depth of the front yard shall be fifty (50) feet.
- E. The minimum width of each side yard shall be twenty (20) feet.
- F. The minimum depth of the rear yard shall be twenty (20) feet. (Ord. No. 201 §560, 11-14-67)

SECTION 405.150: "P" -- PARKING DISTRICT

- A. Certain areas are reserved for the purpose of providing space for off-street parking of automobiles, and to avoid the absorption of land needed for this use by other types of business uses.
- B. *Uses Permitted.* The operation and maintenance of a parking lot, subject in each case to approval by the Planning and Zoning Commission under regulations similar to "Conditional Uses" in Section 410.040.
- C. *Uses Not Permitted.* One (1) building of size sufficient to operate a parking lot shall be permitted; however, no facilities for servicing automobiles shall be permitted including filling stations, washing or repairing. (Ord. No. 201 §§520--521, 523, 11-14-67)

CHAPTER 407: SIGNS

Editor's Note--Ord. no. 976 enacted on 5-9-02 replaced this entire chapter.

Former ch. 407 derived from ord. no. 352 §§3--9, 4-13-78; ord. no. 484 §§1--2, 6-13-85; and ord. no. 693 §2, 5-26-94.

SECTION 407.010: PURPOSE

This Chapter provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards. The general purpose of these standards is to promote, preserve and protect the health, safety, general welfare, convenience and enjoyment of the public, to preserve and protect the aesthetic quality of the City of Marshfield, and to achieve the following:

1. *Safety.* To promote the safety of persons and property by providing that signs:
 - a. Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
 - b. Do not obstruct fire fighting or Police surveillance;
 - c. Do not create traffic hazards by confusing or distracting motorists;

- d. Do not impair the driver's ability to see pedestrians, obstacles or other vehicles or to read traffic signs and signals; and
- e. Do not otherwise interfere with or detract from the safety of persons or property.
- 2. *Communication efficiency.* To promote the efficient transfer of information in sign messages by providing that:
 - a. Customers and other persons may locate a business or service;
 - b. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
 - c. The messages in signs may otherwise be communicated efficiently.
- 3. *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economy of the City by providing that signs:
 - a. Do not interfere with scenic views;
 - b. Do not create a nuisance to persons using the public right-of-way;
 - c. Do not constitute a nuisance to occupancy of adjacent property by their brightness, size, height or movement;
 - d. Are not detrimental to land or property values;
 - e. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
 - f. Do not negatively affect the City's tourism industry;
 - g. Do not create or worsen visual clutter or visual blight;
 - h. Do not otherwise protect and preserve a quality landscape in the City; and
 - i. Do otherwise enhance the appearance and economy of the City. (Ord. No. 976, 5-9-02)

SECTION 407.020: DEFINITIONS

The following words and terms are defined as follows:

ANIMATION: Any action or motion other than flashing lights, automatic changeable copy, or indexing in an attempt to develop a pictorial scene through movement of lights or parts of a sign.

ATTACHED SIGN: Any sign substantially and permanently attached to, applied on, structurally connected to, painted on, engraved on, etched on, or supported by any part of a building.

BUILDING CODES: The Building Code of the City of Marshfield, Missouri, together with any related Code(s) adopted by the City and any regulations adopted in conformance therewith.

BUSINESS AREA: Any district designated under Chapter 400 of the Marshfield City of Marshfield Code for office, commercial or industrial use.

CITY BUILDING INSPECTOR: The City Building Inspector of the City of Marshfield, Missouri, or his or her designated representative.

COMMERCIAL: Relating to the sale of goods or services.

COPY: The letters, figures, characters, representations, pictures or wording on a sign, including any identification, description, symbol, trademark, object, design logo, illustration, or device illuminated or non-illuminated which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem or painting designed to advertise, communicate, identify or convey information.

DIRECTIONAL SIGN: Any sign which serves solely to designate the location of or direction to any premise or area.

EFFECTIVE AREA: The area enclosed by the minimum imaginary rectangle, or combination of contiguous rectangles, composed of vertical and horizontal lines which fully contain all extremities of the sign. This rectangle, or combination of contiguous rectangles, is to be calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for an

orthographic projection shall be rotated horizontally around the sign to give the largest rectangle. For flat signs, this viewpoint is opposite a corner. If elements of the sign are movable or flexible, as a flag or string of lights, the measurement shall be taken when the elements are fully extended and parallel to the plane of view. The sign seen from this viewpoint is then enclosed within the smallest rectangle, or combination of continuous rectangles, which fully contains the sign. The area of the rectangle, or combinations of contiguous rectangles, is the "effective area" of the sign. A combination of contiguous rectangles may be used with more than one (1) surface containing copy.

ELECTRONIC SIGN: A sign with changeable messages at the rate of eight (8) seconds per message.

ERECT: Attach, alter, build, construct, reconstruct, enlarge or move.

FLAGS: A construction of fabric, plastic or paper depicting through symbols, characters, design or letters a nation, political subdivision, or business when hung, without frame, from a staff or pole.

FLASHING LIGHT: A continuously intermittent light or sequential light; but not including animation or lighting changes which change the copy of a sign.

FRONTAGE: The part of land abutting a street or highway or lying between a building's front and a street or highway.

IDEOLOGICAL AND NON-COMMERCIAL SIGN: A sign which does not name or advertise a product, service or business but only expresses a viewpoint, non-commercial message, opinion or idea. This includes commemorative plaques, historic markers, holiday decorations, political signs, political or fraternal flags or emblems, or protective signs which are commonly associated with safeguarding the permitted uses of a premise including, but not limited to, "vicious dog", "no trespassing", "neighborhood watch" and "authorized parking only".

LOT: A parcel of land under one (1) ownership designated as a separate and distinct tract and identified by a tract or lot number or symbol in a duly approved subdivision plat of record.

NON-BUSINESS AREA: Any area within a residential zoning district, including areas therein, where legal non-residential uses are present.

NON-COMMERCIAL: Relating to a public service, religion, charity, idea or similar item.

OFF-PREMISE SIGN: A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located, e.g. "billboards", "outdoor advertising" or "off-site sign".

ON-PREMISE SIGN: A sign pertains to the use of the premises on which it is located and maintained.

PERMANENT SIGN: Any wall or monument sign or other sign which is intended to remain displayed.

PERSON: Any individual, corporation, association, firm, partnership, institution, or other legal entity, singular or plural.

PREMISE: Any tract of land, consisting of one (1) or more lots, under single or multiple ownership, which operated as a functional unit. When developed, a premise shall also possess one (1) or more of the following criteria:

1. Shared parking,
2. Common management,
3. Common identification,
4. Common access,
5. Shared circulation.

SIGN: Any object principally designed to convey a message including sign structure and decorative cover. Examples of signs include, but are not limited to: message boards, changeable copy boards, pennants, flags, billboards and streamers.

SIGN, DETACHED: A sign not attached to or painted on a building, but which is permanently affixed to ground. A sign attached to a flat surface, such as a fence or a wall not a part of a

building, shall be considered a detached sign.

SIGN STRUCTURE: Any structure which supports, has supported, or is designed to support a sign, including any decorative cover, exclusive of any copy.

STREET GRADE: The highest altitude of the street vertically under any portion of the sign or its supports.

TEMPORARY SIGN: A sign which either:

1. Is not permanently attached to any structure, building, motor vehicle or the ground; or
2. Is intended for a limited display period covering a special event; or
3. Is designed and constructed to be movable from one location to another. "*Temporary sign*" includes those signs commonly known as portable signs.
4. Those signs commonly known as banners.

USE: The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained. (Ord. No. 976, 5-9-02; Ord. No. 1177 §1, 11-10-05; Ord. No. 1276 §1, 5-10-07; Ord. No. 1281 §1, 5-22-07)

SECTION 407.030: EXEMPT SIGNS

The following signs shall not require the issuance of a sign permit but must be in conformance with all other sign regulations and the Building Code. These signs are allowed in addition to all other signs allowed under this Chapter.

1. *Address numbers and name plates.* Address numbers for each residential building and building address numbers not exceeding one (1) square foot in effective areas per character, and one (1) name plate not exceeding two (2) square feet in effective area per dwelling unit or business.
2. *Banner signs.* One (1) sign composed of highly flexible lightweight material, such as a banner, per business premises, which is not over twelve (12) square feet in effective area, posted for not more than one hundred eighty (180) days per year.
3. *Flags.* Flags of any nation, State or political subdivision provided:
 - a. The flag is located in such a manner that no portion of the flag will project over any property line or contact any other structure when fully extended.
 - b. If the flag is flown from a flagpole, such flagpole shall be a minimum of four (4) times the length of the flag but shall not exceed over sixty (60) feet in height from finished grade.
4. *Government signs.* Any sign erected or maintained by or for any agency of government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance or governmental regulations.
5. *Holiday decorations.* Holiday decorations in season.
6. *Internal signs.* Any on-premise sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.
7. *Neighborhood identification sign.* A detached sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name or historic district.
8. *Real estate sale, lease and construction signs.* Detached or attached non-illuminated temporary on-premise sign pertaining to the construction, sale or lease of the premise, not to exceed sixteen (16) square feet in effective area in business areas and not to exceed four (4) square feet in effective area in non-business areas. In both business and non-business areas, such signs may have up to sixteen (16) square feet in effective area if the premise on which they are located either has at least two hundred fifty (250) feet of frontage or contains more than five (5) acres. Such signs shall be removed within fourteen (14) days after the closing of the sale or lease or within thirty (30) days after the

- issuance of an occupancy permit or erection of a permanent sign, whichever occurs first.
9. *Vehicular signs.* Any sign permanently attached to a motor vehicle which is traveling or lawfully parked where the primary purpose of such parking is not the display of any sign. This definition shall not include signs in transit to a site of permanent use.
 10. *Miscellaneous exempt signs.*
 - a. A sign located on machinery or equipment which is necessary or customary to the business, including such devices as gasoline pumps or vending machines, which does not increase the size of the surface area or alter the shape of the machine or equipment.
 - b. Private street or road name signs.
 - c. "No trespassing", "no dumping", "no loitering" and like signs not exceeding one (1) square foot.
 - d. Signs warning the public of the existence of danger, but containing no advertising material, to be removed upon subsidence of the danger for which warning is being given, not exceeding one (1) square foot.
 - e. A sign on facilities located in City parks which provides information that is incidental to a sponsored activity such as scoreboards, time clocks, benches or signs in concession stands.
 - f. In a business or residence, signs must be attached to a post or similar device over four (4) square feet not exceeding thirty-two (32) square feet that will be advertising drives or events of a civic, philanthropic, educational, religious, political or similar nature. Such signs shall only be posted during said drive or event not to exceed one hundred eighty (180) days per year and shall be removed within seventy-two (72) hours an event.
 - g. Attached incidental sign, which pertains to goods, products, services or facilities related to the main activities or purpose of the business, not exceeding a total of four (4) square feet in effective area per business.
 - h. Garage sales complying with the provisions of Chapter 620.
 - i. Directional off-premises signs advertising special events shall be allowed for twenty-four (24) hours in advance of the event and must be removed twenty-four (24) hours after the event ends. (Ord. No. 976, 5-9-02; Ord. No. 1177 §1, 11-10-05; Ord. No. 1276 §1, 5-10-07; Ord. No. 1281 §1, 5-22-07)

SECTION 407.040: EXEMPT OPERATIONS

The following operations shall not require the issuance of a sign permit:

1. Changing of the copy describing products or services on an existing permitted sign which is specifically designed for the use of manually or automatically changeable copy including billboard panels and posters; but not including changes in the structure, size, placement or location of the sign.
2. Maintenance, including repainting, refurbishing, cleaning, or other normal repair of a sign not involving structural changes. (Ord. No. 976, 5-9-02)

SECTION 407.050: GENERAL SIGN PROVISIONS

The provisions of this Section shall apply to all signs in the City, without regard to their classification as a business or non-business sign.

1. *General provisions.* All signs are prohibited except as allowed by this Chapter.
2. *Public areas.* No sign other than a government sign shall be allowed which is located within or projects over any public property, including right-of-way, except where the building is located on or within three (3) feet of the property line. No such signs are

allowed in the right-of-way of any thoroughfare designed as part of the Federal Aid Urban (FAU) system. In no instance shall signs project beyond a vertical plane two (2) feet inside the curb line from any building and the bottom of said sign shall not be less than ten (10) feet above the highest level of the ground under the sign at the sign's lowest point; provided however, that where signs are allowed to be attached to canopies, the bottom of the sign may be allowed to, but shall not extend below, the bottom of the canopy.

3. *Parking spaces.* No sign shall occupy a parking space necessary to satisfy minimum off-street parking requirements.
4. *Sign illumination.* Illuminated signs shall be designed, located and constructed to eliminate or significantly reduce glare and shall not increase the lighting intensity upon adjoining premises not under the same ownership and control.
5. *Sign condition.* No person shall maintain or allow to be maintained on any premises owned or controlled by that person any dangerous or defective sign. All signs, together with all their supports, braces, connections or anchors, shall be kept in good repair. Unsafe signs, damaged or deteriorated signs, or signs in danger of breaking apart or falling shall be removed or repaired by their owner. Any fading, chipping, peeling or flaking of paint, plastic or glass; or any mechanical, electrical or structural defect shall be corrected upon written notice by the City.
6. *Compliance with Building Codes.* All signs shall be erected or affixed and maintained in compliance with the Building Code.
7. *Signs at street intersections.* Signs may be erected in the street intersection sight triangles; however, any sign must be at least ten (10) feet above street grade except for supports which may not exceed one (1) foot in width or diameter or be spaced less than ten (10) feet apart from any other stationary object.
8. *Signs at street/driveway intersections.* Signs may be erected in the street/driveway sight triangles; however, any sign must be at least ten (10) feet above street grade except for supports which may not exceed one (1) foot in width or diameter or be spaced less than ten (10) feet apart from any other stationary object. A street/driveway sign triangle shall be calculated as follows: a triangle formed by the intersection of a public street and a driveway where the triangle area is that area encompassed within two (2) intersecting lines formed by the edge of the pavement, curb, roadway or projection thereof and extending forty (40) feet down the street from the right edge of the driveway when standing in the driveway facing the street, and extending twelve (12) feet from the edge of the street extending up the driveway pavement, and a third (3rd) imaginary line connecting the extremities of the other two (2) without overlaying the pavement. On the left side of the driveway, the triangle shall be measured by measuring sixty-five (65) feet down the street pavement from the edge of the driveway and measuring twelve (12) feet down the driveway pavement from the edge of the street, and an imaginary third (3rd) straight line connecting the extremities of the other two (2) without overlaying the pavement.
9. Any sign permitted under this Chapter may contain ideological or non-commercial copy in lieu of any other copy.
10. *"B-1" and "B-3" zoning.*
 - a. Roof signs may not be higher than ten (10) feet above the rooftop.
 - b. A ten (10) foot setback is required on all detached signs.
11. *"B-2" zoning.* All signs must be attached to a building and may not project from the building more than four (4) feet, may not be higher than ten (10) feet above rooftop and all portions of the sign and supporting structure must be a minimum of eight (8) feet above street elevation; provided however, that where signs are allowed to be attached to canopies, the bottom of the sign may be allowed to, but shall not extend below, the

bottom of the canopy.

12. *Industrial districts zoning.* All signs must be set back a minimum of ten (10) feet from the street right-of-way. (Ord. No. 976, 5-9-02; Ord. No. 1076 §1, 6-10-04; Ord. No. 1178 §1, 11-10-05; Ord. No. 1279 §1, 5-22-07)

SECTION 407.060: PROHIBITED SIGNS

The following signs are prohibited which:

1. Concern unlawful activity;
2. Operate or employ any motion picture projection in conjunction with any advertisements;
3. Employ any searchlights, strobe lights, balloons, flashing lights, or similar attention-getting devices;
4. May be confused with or construed as a traffic control sign, signal or device or the light of an emergency or road equipment vehicle by reason of their size, location, movement, content, coloring, or manner of illumination;
5. Hide from the view, of those to whom the device is directed, any traffic or street sign or signal or similar device;
6. Are temporary, except as specifically allowed in this Code;
7. Signs other than those specifically allowed by this Chapter that are capable of being carried, wheeled or moved from one location to another;
8. Signs which are attached to any tree, fence, branch, another sign or utility pole except warning signs issued and properly posted by that utility company.
9. Off-premises signs which advertise an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located (e.g., billboards, outdoor advertising or off-site signs). (Ord. No. 976, 5-9-02; Ord. No. 1282 §1, 5-22-07)

SECTION 407.070: TEMPORARY SIGNS

A. *Temporary Signs Permitted.*

1. Except as otherwise exempted in the Chapter or provided in Subsection (A)(2) below, temporary signs may only be used in a business area.
2. In non-business areas, each premise may display one (1) non-illuminated temporary sign not exceeding four (4) square feet in effective area for up to two (2) consecutive days twice each calendar year.

B. *General Provisions.*

1. The effective area shall not exceed thirty-two (32) square feet.
2. All temporary signs shall be attached signs or attached at each side or corner to the sign structure of a permanent sign.
3. Each business may display one (1) attached temporary sign as set forth below. In addition, each premise may display one (1) temporary on-premise sign attached within the supports of a permanent sign structure.

C. *Temporary Signs--Duration Of Display.*

1. A business or premise shall be allowed to display a temporary sign for not more than one hundred eighty (180) days per calendar year. A permit in the amount of five dollars (\$5.00) will be required.
2. No temporary sign shall be displayed without obtaining a new permit before each display period.
3. In business areas, a temporary business with a valid business license and a temporary building permit may apply for and obtain a special permit which would allow the use of a temporary sign for the period of the building permit. Such a sign must be attached to a

temporary or permanent structure and may not exceed thirty-two (32) square feet in effective area.

- D. *Temporary Signs--Emergency Uses.* In the event a sign or business is substantially damaged through fire, flood, act of God, insurrection, riot, or similar emergency beyond the control of the business owner or occupant, a temporary sign shall be allowed for a period of time not to exceed sixty (60) days, unless the time period is extended by the City for a continuing hardship. (Ord. No. 976, 5-9-02; Ord. No. 1278 §1, 5-22-07)

SECTION 407.080: PROVISIONS FOR SIGN IN BUSINESS AREAS

- A. *General Provisions.* These provisions shall apply to all permanent signs in business areas as defined in this Chapter.
1. A sign in a business area shall conform to regulations for a sign in a non-business area if the sign is within twenty-five (25) feet of a non-business area.
 2. Sign regulations enforced by the Missouri Department of Transportation (MODOT) along the interstate and primary highway system in the City shall take precedence over any less restrictive requirements of this Chapter.
 3. All heights specified in Code shall be measured from street grade at a point perpendicular to the facing street unless otherwise specified.
- B. *Detached Signs.* Detached signs are allowed in business areas.
1. A premise fronting on a collector street shall be allowed a detached sign with an effective area determined by adding fifty (50) square feet to a ratio of one (1) square foot of effective area per lineal foot of frontage along the collector street. Maximum size allowed shall be three hundred (300) square feet for the total area.
 2. Each premise with frontage on any street shall be allowed at least one (1) permanent detached sign.
 3. Each detached sign shall not exceed a maximum height of twenty-five (25) feet and shall have a minimum height from finish grade of ten (10) feet; provided however, that business having detached signs located within one thousand two hundred fifty (1,250) feet of Interstate Highway 44 shall be allowed one (1) sign to a maximum of seventy (70) feet in height.
- C. *Attached Signs.* Attached signs are allowed in business areas in accordance with the following provisions:
1. Each business shall be allowed wall signs on any wall. In the event the business does not front on a street, it shall be allowed signage as if it fronted on a local street. These signs shall extend no further than eighteen (18) inches from the wall. A "wall sign" is a sign in a parallel plane to and attached, installed, painted, engraved or etched upon a structure's wall, awning, canopy, marquee, parapet, sunshield, window, door or similar item. Wall signs do not include signs on the inside or outside of the window which do any advertising beyond merely identifying the business and giving the times that it is open. These shall be subject to total square footage limitations. A wall sign shall not extend beyond the wall edge.
 2. The total effective area of all wall signs allowed for a business shall be calculated based upon the lineal footage of each wall having frontage on a street. If the business has frontage on any street other than a local street, the effective area shall not exceed three (3) square feet per lineal foot of the wall length. If the business has frontage on a local street or within a shopping center, the effective area shall not exceed two and one-half (2½) square feet per lineal foot of the wall length and maximum height of the sign shall not exceed four (4) feet.
 3. A premise may have a roof sign only if it does not have a detached or projecting sign. A "roof sign" is any sign erected upon, against or directly above a roof. No part of the sign

shall extend beyond any wall. The methodology used to determine the effective area allowed for detached signs shall be used to calculate the effective area allowed for roof signs.

4. A business may have a projecting sign only if it does not have a roof sign or a maximum number of allowable detached signs for that premises. A "*projecting sign*" is a sign which is attached to and projects from a surface or building face. Where a business frontage would allow the use of two (2) or more detached signs, a projecting sign may be substituted for one (1) detached sign. Projecting signs shall have a minimum clearance of eight (8) feet above the highest level of the ground under the sign at the sign's lowest point and shall not exceed twenty (20) square feet in effective area. (Ord. No. 976, 5-9-02; Ord. No. 1081 §1, 6-24-04; Ord. No. 1179 §1, 11-10-05; Ord. No. 1277 §1, 5-10-07)

SECTION 407.090: PROVISIONS FOR NON-BUSINESS AREAS

- A. *General Provisions.* These provisions shall apply to all permanent signs in non-business areas:
 1. Dwelling units in single-family or two-family zoning districts shall be allowed to utilize any non-business sign described in Section 407.030 "Exempt Signs" but shall not be allowed to display any other sign.
 2. Flashing lights and animation are not allowed.
 3. Only on-premise signs are allowed.
- B. *Detached Signs.* Detached signs are allowed in non-business areas as follows:
 1. Each premise containing a multi-family use, permitted non-residential use, or legal non-conforming use shall be allowed one (1) detached sign. Premises with more than seven hundred fifty (750) feet of frontage along a public street may have one (1) additional detached sign, provided a minimum of three hundred (300) feet of separation is maintained between signs, and a minimum setback of twenty-five (25) feet from adjacent property line is maintained for both signs.
 2. A minimum front yard setback of ten (10) feet is required for all detached signs. No detached sign shall exceed thirty-two (32) square feet in effective area or eight (8) feet in height.
- C. *Attached Signs.* Attached signs are allowed in non-business areas as follows: Each premise containing a multi-family use, permitted non-residential use, or legal non-conforming use shall be allowed one (1) wall sign per wall which shall extend no further than eighteen (18) inches from the wall. The sign may contain the name and logo of the establishment, business or use and nothing else. A "*wall sign*" is a sign in a parallel plane to and attached, installed, painted, engraved or etched upon a structure's wall, awning, canopy, marquee, parapet, sunshield, window, door, or similar item. Wall signs do not include signs on the inside or outside of windows except that any signs on the outside of the window, which do any advertising beyond merely identifying the business and giving the times it is open, shall be subject to total square footage limitation. A wall sign shall not project beyond the wall edge. The total effective area of all wall signs allowed for a business shall be calculated based upon street frontage and whether or not the premise has a detached sign. Where a premise has no detached sign, the total effective area of all wall signs shall not exceed two (2) square feet per lineal foot of the wall length along the street or streets upon which the business fronts. Where a premise has a detached sign, the total effective area of all wall signs shall not exceed one (1) square foot per lineal foot of the wall length along the street or streets upon which the business fronts. (Ord. No. 976, 5-9-02)

SECTION 407.100: LEGAL NON-CONFORMING SIGNS

- A. *Continuation Of Legal Non-Conforming Signs.* Any sign which was lawfully erected or affixed

prior to such time as it came within the purview of this Chapter and which sign complied with all regulations in force at the time it was erected or affixed, but which fails to conform to all applicable regulations and restrictions of this Chapter, shall be considered a legal non-conforming sign. A legal non-conforming sign may be continued and shall be maintained in good condition but shall not be:

1. Structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
 2. Altered so as to increase the degree of non-conformity of the sign;
 3. Expanded;
 4. Re-established after damage or destruction if the estimated cost of reconstruction exceeds seventy-five percent (75%) of the appraised replacement costs at the time such damage occurred;
 5. *Abandoned or discontinued.* Abandonment or discontinuance occurs whenever:
 - a. The sign for a continuous period of six (6) months or more advertises services or products no longer available to the traveling public because the services or products have been discontinued or cannot be obtained at the destination or by the directions indicated on the sign; or
 - b. The sign for a continuous period of six (6) months or longer is maintained without an advertising message. The following signs are signs maintained without an advertising message: A sign with a message which is partially obliterated so as not to identify a particular service or product; a sign which is blank or painted out; or a sign with a message consisting solely of the name of the sign owner on any part of the sign.
- B. The sign for a legal non-conforming use shall be a legal non-conforming sign if the sign:
1. Was erected or attached prior to May 9, 2002,
 2. Is on premise, and
 3. Would have been legal if the use had been located in the most restrictive zoning district where the use is allowed by right. (Ord. No. 976, 5-9-02)

SECTION 407.110: DIRECTIONAL SIGNS

On-premise detached directional signs in excess of five (5) square feet in effective area shall be allowed in any area, provided such signs do not name or advertise any product, service or business, and the total allowable effective area of detached signs on the premise is not exceeded. A site plan locating all detached signs, including existing and proposed directional or instructional signs, shall be required prior to issuance of a sign permit. (Ord. No. 976, 5-9-02)

SECTION 407.120: SIGN PERMITS, INSPECTIONS AND FEES

A. *Permits Required.*

1. Except as otherwise provided in this Code, it shall be unlawful for any person to erect, repair, improve, maintain, convert or manufacture any sign or cause the same to be done without first obtaining a sign permit for each such sign from the City Building Inspector. No sign permit shall be issued except to a person licensed to do business in the City or to a person exempt from the City licensing provisions.
2. Temporary sign owners shall secure a permit for each temporary sign prior to its use. Within one hundred twenty (120) days after date approved (May 9, 2002), a permit shall be obtained for all temporary signs in use at the time.
3. Every sign permit issued by the City shall become null and void if work on the sign is not commenced within one hundred twenty (120) days from the date of such permit. If work authorized by such permit is suspended or abandoned for sixty (60) days after the work is commenced, the sign shall be considered abandoned unless a new permit shall be first

obtained to proceed with the work on the sign, and the fee will be one-half (½) the original fee, provided that no changes have been made in the original plans.

B. *Application For Permit.* Application for a permit shall be made to the City Building Inspector upon a form provided by the City and shall be accompanied by such information as may be required to insure compliance with all appropriate laws and regulations of the City including, but not limited to:

1. Name, address and business license number of permit application.
2. Name and address of owner of sign.
3. Name and address of the owner and the occupant of the premises where the sign is located or to be located.
4. Clear and legible drawings with description showing the precise location of the sign, which is the subject of the permit, and all other existing signs on the same premise or as otherwise specified by the City Building Inspector.
5. Drawings showing the dimensions, construction supports, sizes, materials of the sign and method of attachment and character of structural members to which attachment is to be made.
6. The City Building Inspector shall issue a permit for work to be done on a sign and when an application therefore has been properly made and the sign complies with all appropriate laws and regulations of the City and appropriate fees have been collected.

C. *Denial Or Revocation.* The City Building Inspector may, in writing, suspend, deny or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a misstatement of fact, fraud or non-compliance with the Chapter. When the City Building Inspector denies a sign permit, he/she shall give written notice of the denial to the applicant, together with a brief written statement of the reason for the denial. Such denials shall have referenced the Section of the Sign Code or other pertinent code used as a standard for the basis of denial.

D. *Permit Fee.*

1. A fee of twenty-five dollars (\$25.00) will be paid to the City of Marshfield for signs not exceeding fifty (50) square feet in total area.
2. A fee of fifty dollars (\$50.00) will be paid to the City of Marshfield for signs and billboards exceeding fifty (50) square feet in total area. (Ord. No. 976, 5-9-02; Ord. No. 1180 §1, 11-10-05)

SECTION 407.130: ENFORCEMENT AND PENALTY

A. *Removal Of Signs By The Director.* The City Building Inspector shall identify any signs that are illegal or endanger the public safety such as an abandoned, dangerous or materially, electrically, or structurally defective sign or a sign for which no permit has been issued. The City Building Inspector may take action pursuant to Chapter 505 of the City Code.

B. *Revocation Of Permits, Utilities And City License.* Whenever the City Building Inspector has ordered a person to correct a violation and when such violation has not been corrected within the time specified by such order, thereafter the City Building Inspector may institute an administrative action to revoke any and all permits issued by the City under which the activity is conducted, occupancy permits and the right to receive utilities for the activity of the building or structure wherein the activity is conducted.

C. *Penalty For Violation.* If a person violates this Chapter or if a notice of a violation is not complied with within the time specified by the City Building Inspector, the City Building Inspector may cause a Municipal Court summons to be issued and he/she may also request the City Attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or any order or direction made

pursuant thereto.

- D. *Prosecution Of Violation.* Any person violating any of the provisions of the Building Code, or this Chapter, or failing to comply with any order issued pursuant to any Section thereof, or who shall erect, construct, alter or repair a sign in violation of an approved plan or directive of the City Building Inspector or of a permit issued under the provisions of this Chapter shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided by Missouri law, except the court shall hear evidence concerning the economic value of continuing the violation and shall assess a fine sufficient in the court's judgment to deter a continuation of the violation. Each day that a violation continues, after service of notice as provided for in this Chapter and filing of charges in Municipal Court, shall be deemed a separate offense. Notice as required above shall not be required in order to prosecute a person for a violation of any provision of this Chapter.
- E. *Abatement Of Violation.* The imposition of the penalties herein prescribed shall not prevent the City Attorney from instituting appropriate action to prevent unlawful construction, or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or use of building or structure in or about any premises in violation of this Chapter.
- F. *Responsibility.* Any person who shall occupy the premises when the sign is erected or attached as lessee or licensed operator shall be jointly and severally responsible for compliance with the provisions of this Chapter in the same manner as the owner of the sign and of the premises. (Ord. No. 976, 5-9-02)

CHAPTER 410: SUPPLEMENTARY ZONING REGULATIONS

Cross Reference--As to storage container regulations, see ch. 535.

SECTION 410.010: ACCESSORY BUILDINGS

Accessory buildings as defined in Section 400.080 and as regulated herein are permitted in any district. A detached subordinate building located on the same lot with the main building, the use of which is customarily incidental to the main building or to the main use of the premises. No detached accessory building hereafter constructed shall occupy a required front yard or be located within ten (10) feet of any dwelling existing or under construction on the building site, except that for a detached garage the minimum distance shall be five (5) feet. No single accessory building in a residence district shall occupy more than thirty percent (30%) nor shall all such buildings collectively occupy more than forty percent (40%) of the required yard spaces in the rear half of the lot. No accessory buildings shall be larger or exceed a combined total of nine hundred (900) square feet and shall not be over twenty (20) feet in height or exceed the height of the home, whichever is less. Any accessory building roof design shall be customary to the neighborhood roof designs. All accessory buildings shall be constructed of similar materials as the house. Approved materials will be wood, brick, vinyl or masonry products. No accessory building shall be located closer than five (5) feet to any lot line; in the case of a reversed corner lot, no accessory building shall project closer to the street side yard than the front yard abutting. On any external lot an accessory building shall not project closer than fifteen (15) feet to the street side lot line except that if the building is a required parking garage and has access to the side street, such setback shall be a minimum of twenty (20) feet. (Ord. No. 201 §601, 11-14-67; Ord. No. 1072 §1, 4-8-04; Ord. No. 1077 §1, 6-10-04)

SECTION 410.020: ACCESSORY USES

An accessory use, as defined in Section 400.080 and as regulated herein, is permitted in any district where the principal use to which it is accessory is permitted. (Ord. No. 201 §602, 11-14-67)

SECTION 410.030: BUILDING SITE REQUIREMENTS

- A. *Exceptions.* Even though the width, depth or area is less than the minimum required by these regulations for the district, any of the following specified lots or parcels of land may be used as a building site for dwelling purposes (except in an industrial district), if all other requirements are met; provided, that no more than one (1) dwelling unit shall be placed upon any such lot or parcel:
1. Any lot shown on a subdivision recorded prior to November 14, 1967.
 2. Any parcel of land purchased prior to the effective date of this Title by the present owner or by a person from whom the present owner acquired it through testamentary disposition or intestate succession, where no adjacent land is owned, by the same person.
 3. Any lot or parcel of land where the deficiency is due exclusively to the condemnation of a portion thereof for a public purpose or the sale thereof to any agency or political subdivision of the City, State or Federal Government.
- B. *Irregular Lots.* If all other regulations for the district are met, where the side lot lines are not parallel, the minimum width requirement may be applied to the average lot width, if the width, when measured at the front lot line is at least thirty-five (35) feet and when measured twenty-five (25) feet back of the front line is at least fifty (50) feet in width. (Ord. No. 201 §§604--605, 11-14-67; Ord. No. 256 §1, 9-8-70)

SECTION 410.040: CONDITIONAL USES

The Planning and Zoning Commission may approve a conditional use, if permitted in the district, only if the following requirements have been met:

1. The location of the proposed use is compatible to other land uses in the general neighborhood and does not place an undue burden on existing transportation and service facilities in the vicinity.
2. The Commission may also determine that the proposed use is such that it is necessary to require greater standards than listed in the district, in order to correlate the proposed use to other property and uses in the vicinity.
3. That the site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use.
4. That the proposed use, if it complies with all conditions upon which the approval is made contingent, will not adversely affect the property in the vicinity.
5. The Commission may provide that approval be contingent upon acceptance and observance of specified conditions, including but not limited to:
 - a. Conformity to plans and drawings submitted with the application.
 - b. Special yards, open space, buffer strips, walls, fences, hedges, landscaping.
 - c. Performance standards relative to emission of noise, vibration or other potentially dangerous or objectionable elements.
 - d. Limits on time of day for conduct of specified activities.
 - e. A period in which the approval shall be exercised, or otherwise shall lapse.
 - f. Guarantees as to compliance with the terms of approval.
6. The procedures for public hearing, notice, and filing fee of an application for a conditional use shall be the same as required for Amendments, etc., in Chapter 430, except that the filing date must be twenty (20) days prior to any regular Commission meeting and the decision of the Planning and Zoning Commission, after public hearing,

shall be final and become effective in fifteen (15) days, unless an appeal is made to the Board of Aldermen within fifteen (15) days after the decision of the Planning and Zoning Commission. (Ord. No. 201 §606, 11-14-67)

SECTION 410.050: CONVERSIONS OF EXISTING STRUCTURES

The Building Inspector may permit the conversion of an existing dwelling in an "R-2" Two-Family District to provide units for not more than two (2) families, and in an "R-3" Multiple-Family District to provide dwelling units for not more than four (4) families provided all of the following conditions shall be met:

1. The dwelling shall be located on a lot having an area of not less than six thousand (6,000) square feet and the principal dwelling on the lot shall have a ground area of not less than one thousand two hundred (1,200) square feet, exclusive of open porches, and shall occupy not more than one-fourth (¼) of the ground area of such lot;
2. The remodeled dwelling shall provide a lot not less than three thousand (3,000) square feet per family;
3. No exterior remodeling shall be done, and no extensions made.
4. Fire escapes and outside stairways shall conform to Section 410.070, Subsection (9), of this Code.
5. No dwelling shall be converted unless in connection therewith it is placed in a reasonable state of repair;
6. Garage or off-street parking facilities shall be provided at the rate of one (1) vehicle for each family unit. (Ord. No. 201 §607, 11-14-67)

SECTION 410.060: HEIGHT LIMITATIONS -- EXCEPTIONS

- A. In a Residence District, a permitted building, other than a dwelling or accessory building as defined herein, may be built to a height of forty (40) feet and to a greater height if the minimum dimensions of the rear yard and each of the side yards exceed the requirement in the district by one (1) foot for each one (1) foot of additional height.
- B. The height limitations of this Title shall not apply to church spires, belfries, cupolas, penthouses and domes, not used for human occupancy; not to chimneys, ventilators, skylights, water tanks, bulk heads, other similar features and necessary mechanical appurtenances usually carried above the roof level.
- C. The provisions of this Title shall not apply to prevent the erection, above the building height limit, of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet. (Ord. No. 201 §608, 11-14-67)

SECTION 410.070: LOT COVERAGE -- EXCEPTIONS

In calculating the percentage of lot coverage, or required yards, for the purpose of applying the regulations of this Title, the features of a structure as hereafter set forth shall not be included as coverage, nor be considered an infringement into the required yards:

1. Unenclosed steps, stairways, landings, and stoops, not extending above the ground floor level.
2. Unenclosed surfaced walks and driveways.
3. Fence or trestles not exceeding five and one-half (5½) feet in height.

4. Retaining walls not more than eighteen (18) inches higher than the grade of the ground retained.
5. Flue or fireplace chimney attached to the main building.
6. Bay windows extending not more than eighteen (18) inches from the main building.
7. Cornices, canopies and eaves not extending more than three (3) feet from the main building.
8. Open fire escape may not project into a required side yard more than half the width of such yard.
9. Fire escapes, solid floor balconies and enclosed outside stairways may project to within twelve (12) feet of the rear lot line. (Ord. No. 201 §609, 11-14-67)

SECTION 410.080: HOME OCCUPATIONS

Home occupations or businesses may be permitted in any "R-2" or "R-3" District upon first receiving permission from the Planning and Zoning Commission according to the procedure outlined in Section 430.090 of this Code. The following criteria shall be employed to determine a valid home occupation.

1. No employment of more than two (2) persons as help, other than the members of the resident family.
2. No outdoor display or storage of material.
3. No signs displayed except as permitted in this Title.
4. No commodity is sold on the premises except that which is prepared on the premises.
5. No more than twenty percent (20%) of the net floor area of the dwelling may be devoted to the occupation or business.
6. No required off-street parking space shall be used in the conduct of the home occupation.
7. No mechanical equipment is used which makes any loud, unnecessary or unusual noise, or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others.
8. In no way shall the appearance of the structure or the conduct of the occupation within the structure be so altered that it may reasonably be recognized as serving a non-residential purpose (either by color, materials of construction, lighting, sounds or noises, vibrations, etc.) (Ord. No. 201 §610, 11-14-67; Ord. No. 525 §1, 3-10-88)

SECTION 410.090: MOBILE HOMES

- A. Every mobile home hereafter shall be located in a Mobile Home Park or Mobile Home Community, as defined herein.
- B. Those mobile homes that are presently located outside of a Mobile Home Park may be continued as non-conforming uses. Once the present trailer is removed from the lot, however, no mobile home may re-occupy the lot.
- C. A Mobile Home Park or Mobile Home Community may be located in any district in the manner provided by Section 410.140 of this Code and is subject to the following conditions: Each boundary of any Mobile Home Park must be at least fifty (50) feet from any permanent residential building located outside the Mobile Home Park. All sanitary systems must have approval in writing from the Department of Natural Resources.
- D. The Mobile Home Park or Mobile Home Community shall conform to the following requirements:
 1. The Mobile Home Park or Mobile Home Community shall be located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
 2. Mobile home spaces shall be provided consisting of a minimum of two thousand (2,000)

square feet for each space and each space shall be clearly defined and marked.

3. Mobile homes shall be located on each space so that there shall be at least fifteen (15) feet clearance between mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than fifteen (15) feet but not less than ten (10) feet. No mobile home shall be located closer than fifteen (15) feet from any building within the Mobile Home Park.
 4. All mobile home spaces shall abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street or highway, and the sole vehicular access shall not be by an alley. All dead end driveways shall include adequate vehicular turning space or cul-de-sac.
 5. Off-driveway parking sites shall be maintained at a minimum ratio of one (1) car space for each mobile home space.
 6. Outdoor laundry drying space of adequate area and suitable location shall be provided.
 7. Where the Mobile Home Park is located more than four hundred (400) feet from a public park or recreational area, one (1) or more playgrounds shall be provided which are:
 - a. Easily accessible from the mobile homes without encountering traffic hazards; and
 - b. At least two thousand five hundred (2,500) square feet per playground or twenty-five (25) square feet per mobile home space, whichever is greater.
 8. All roadways within the Mobile Home Park shall be blacktopped or have some other dust free surfacing, maintained and adequately lighted.
 9. All electric distribution systems, plumbing systems and telephone service systems to each mobile home space, except outlets and risers, shall be underground. Each mobile home space shall be provided with a one hundred fifteen (115) volt single phase service with a minimum sixty (60) ampere individual service outlet.
 10. All Mobile Home Parks shall be connected to the City sanitary sewer system and satisfactory connections made available to each mobile home space.
- E. *Mobile Home Spaces.* If "independent" mobile home spaces only are provided, no service building shall be required. Any Mobile Home Park providing for "dependent" mobile homes shall have one (1) or more service buildings. Such service buildings shall:
1. Be located fifteen (15) feet or more from any mobile home space;
 2. Be adequately lighted;
 3. Have the interior finished with moisture-resistant material to permit frequent washing and cleaning;
 4. Provide at least one (1) lavatory, water closet and shower for each sex, one (1) laundry tray, one (1) slop-water drain and hot and cold water;
 5. Have adequate heating facilities for the building and equipment which will furnish ample supply of heated water during time of peak demands;
 6. Have all rooms well ventilated, with all openings effectively screened. (Ord. No. 201 §611, 11-14-67)

SECTION 410.100: NON-CONFORMING USES AND BUILDINGS

- A. *Non-Conforming Use.* Any use lawfully occupying a building or land at the effective date of this Title, or of subsequent amendments hereto, that does not conform to the regulations for the district in which it is located, shall be deemed to be a non-conforming use and may be continued.
- B. *Non-Conforming Building.* Any building lawfully existing or in the process of construction, at the effective date of this Title, or of subsequent amendments thereto, that is wholly or partially used or designed for use contrary to the regulations for the district in which it is located, shall be deemed to be a non-conforming building and may be so used or continued in use.
- C. *Non-Conforming Building--Maintenance--Alterations--Enlargements--Restoration.*
 1. Maintenance and minor repairs necessary to keep a non-conforming building in sound

condition, or as may be required by law shall be permitted.

2. In no case shall a non-conforming building be structurally altered unless the same will have the effect of, or actually result in, eliminating the non-conforming use.
3. A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use.
4. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
5. When a non-conforming building is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its structural value, it shall not be restored except in conformity with the district in which it is located.

D. *Non-Conforming Use--Changes.* No non-conforming use may be enlarged or extended in such a way as to occupy any required open space, on any land beyond the boundaries of the lot or parcel of land as it existed at the effective date of this Title, or to displace any conforming use in the same building or on the same parcel.

E. *Non-Conforming Use--Abandonment.* In the event that a non-conforming use of any building or premises is discontinued, or its normal operations stopped, for a continuous period of sixty (60) days, use of such building or premises shall thereafter conform to the use regulations in the district in which the same is located, except for mobile homes (See Section 410.090 Subsection (B)).

F. *Non-Conforming Use--Elimination.* Nothing contained herein shall forego the existing powers of the Governing Body of the City, in the gradual elimination of non-conforming uses and buildings; provided, that reasonable periods for amortization or particular uses and buildings shall be required as determined by the Governing Body. (Ord. No. 201 §§612--617, 11-14-67)

SECTION 410.110: PARKING REQUIREMENTS

These requirements are effective upon the erection or enlargement of a structure, or the use thereof changed to any permitted use or conditional use within a district. Each required off-street automobile storage space shall be hard surfaced and have free access to a public right-of-way; no required off-street automobile storage space shall be located within a required front yard in any district.

Use

Off-Street Spaces Required

- | | |
|--|--|
| 1. Dwelling | One (1) per family. |
| 2. Churches | One (1) for every three (3) seats in the main worship area. |
| 3. Elementary school | One (1) per classroom plus an off-street passenger loading area. |
| 4. High schools | Three (3) per classroom. |
| 5. Restaurants | One (1) for every two and one-half (2½) seats or portion thereof plus one (1) for each employee. |
| 6. Hospitals and clinics | One (1) for each staff doctor; plus one (1) for each four (4) regular employees; plus one (1) for each one thousand (1,000) square feet of gross floor area. |
| 7. Public utilities and service facilities | One (1) for each five hundred (500) square feet gross floor area; or two (2) for each three (3) employees, whichever is greater. |
| 8. Undertaking establishments | One (1) for every three (3) seats in sanctuary. |
| 9. Private nurseries, day | One (1) for each regular employees. |

schools, kindergarten and children's homes	
10. Convalescent homes and home for aged	One (1) for each four (4) beds.
11. Professional offices	One (1) for each three hundred (300) square feet of gross floor area.
12. Retail business (except "B-2" district)	One (1) for every five hundred (500) square feet of gross floor area
13. Tourist courts and motels	One (1) per each rental unit.
14. Hotels	One (1) per every two (2) guest rooms.
15. Bowling alleys	Four (4) for each alley.
16. Industrial uses:	
Permitted uses	One (1) per every six hundred (600) square feet of gross floor area; or one (1) per every two (2) employees, whichever requires the greater number of spaces.
Conditional uses	To be determined by the City Planning Commission according to use.
17. <i>Off-street parking space location.</i>	
a. <i>Residential.</i>	All required spaces shall be located on the same parcel with the residential use.
b. <i>Commercial.</i>	Required spaces may be located on the same parcel as the commercial use, or on an area not more than three hundred (300) feet from the building. If located on a separate parcel, such parcel must be zoned for parking.
c. <i>Industrial.</i>	
Permitted uses	Required spaces may be located on the same parcel with the permitted Industrial Use; or on an area not more than three hundred (300) feet from the building.
Conditional uses	Required spaces may be located on the same parcel with the Conditional Industrial Use; or on an area not more than one thousand (1,000) feet from the building. If located on a separate parcel, such parcel must be zoned for parking.

(Ord. No. 201 §618, 11-14-67)

SECTION 410.120: PLANNED COMMUNITY UNIT DEVELOPMENT

The owner or owners of any tract of land comprising an area of not less than four (4) acres may submit to the Building Inspector a plan for the use and development of all such tracts of land for residential purposes. Such development plan shall be referred to the Planning and Zoning Commission for study, public hearing and report to the Board of Aldermen and the Board of Aldermen may authorize rezoning and the issuance of building permits and certificates of occupancy therefore even though the use of the land and the use and location of structures including the yards and open spaces required by this Title, do not conform in all respects to the regulations contained in other Sections of this Title. (The procedures for filing an amendment in Chapter 430, shall be followed.) The Planning and Zoning Commission may recommend the development as submitted, or may modify, alter, adjust or amend the plan before recommendation, or deny the plan and shall make a report to the Board of Aldermen setting forth its reasons for approval, or denial of the application and if approved, specific evidence and facts

showing that the proposed community plan meets the following conditions.

1. That the value of building and the character of the property adjoining the area included in such plan will not be adversely affected.
2. That such plan is consistent with the intent and purpose of this Title to promote public health, safety, morals, and general welfare.
3. That the building shall be used only for residential purposes and the usual accessory uses, such as automobile parking areas, garages, and community activities, including churches; and provided that a Neighborhood Business District can be established through the regular channels.
4. That the average lot area per family contained in the site, exclusive of the area occupied by streets, shall be not less than the lot area per family required for the district in which the development is located. (Ord. No. 201 §619, 11-14-67)

SECTION 410.130: UTILITIES

- A. *Protection Of Sewers And Utility Lines.* No building or addition thereto shall be erected over or across any public sewer or utility line, nor upon any platted or recorded easement, unless permission is granted in writing by the City and the public utility whose lines are involved, if any.
- B. *Valves Required.* All new residential and commercial construction within the City of Marshfield shall have and provide at the cost of the owner thereof a valve on the water line leading from the City owned water meter to the water system contained within said improvement, which said valve shall be readily accessible, and which said valve shall be capable of terminating the flow of water within the entire water system in said improvement. (Ord. No. 201 §620, 11-14-67; Ord. No. 315 §1, 10-8-76)

SECTION 410.140: SPECIAL USES

Any of the following uses may be located in any district by special permission of the Planning and Zoning Commission under such conditions as the Commission may impose, and after public hearing, provided that in their judgment such use will not seriously injure the appropriate use of neighboring property and will conform to the general intent and purpose of this Title; and shall comply with the height and area regulations of the district in which they may be located.

1. Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals, or rodeo fairgrounds.
2. Aviation fields, airports, or helio-ports.
3. Cemeteries, mausoleums, or crematories for the disposal of the human dead.
4. Golf driving ranges and miniature golf courses.
5. Gun clubs, skeet shoots, or target ranges.
6. Hospitals for the insane or feeble minded, or penal or correctional institutions.
7. Radio towers under such safeguards as the Board may require.
8. Trailer camps, trailer parks, mobile home parks, and mobile home communities.
9. Buildings or the use of premises for public utility purposes or public service corporations, which buildings or the uses of the Commission deems necessary for public convenience or welfare.
10. Home occupation.
11. Greenhouses.
12. Veterinary and animal clinics. (Ord. No. 201 §621, 11-14-67; Ord. No. 293 §1, 2-11-75; Ord. No. 443 §1, 4-22-82)

SECTION 410.150: USES NOT LISTED -- DETERMINATION

Whenever there is doubt as to the classification of a use not specifically listed or mentioned in this Title, the determination shall be made by the Planning and Zoning Commission.

1. The determination of the Planning and Zoning Commission shall be rendered within a reasonable time, but not to exceed thirty (30) days and shall state the class or classes of districts in which the proposed use will be added and whether it is a permitted use, a conditional use or a "Special Use."
2. The determination of the use shall be effective immediately, and the use specifically described shall thereafter be considered as a permitted use, a conditional use or a "Special Use" in the districts indicated and shall have the same status as other uses listed and as regulated therein.
3. Application for determination shall be made in writing. No specific form is required. (Ord. No. 201 §622, 11-14-67)

SECTION 410.160: USES PROHIBITED

The following use or uses, shall be prohibited:

1. *Residential districts.*
 - a. Unlicensed or inoperable motor vehicles, unlicensed trailers, livestock trailers, farm machinery, converted buses, buses, tractor-trailer combinations, dump trucks, backhoes, skid loaders, tire driven or track driven loaders, bulldozers and other related construction equipment, flat bed trucks exceeding eight (8) feet in length and flatbed trailers over eighteen (18) feet in length.
 - b. The following shall be exempted from the prohibition set forth in subparagraph (a) above:
 - (1) Any construction machinery while construction is in progress upon the premises in question;
 - (2) Any vehicle or equipment providing repairs, deliveries or other services to the premises in question;
 - (3) Any emergency vehicle, utility company vehicle, or vehicle on City or official governmental business;
 - (4) Pickup trucks with dump beds; and
 - (5) Any tractor forty-five (45) horsepower or less used in connection with the landscaping of the premises in question or other neighborhood properties, provided, however, that any such tractor shall be stored in an enclosed building or in the back yard.
 - (6) Exemption for buses maintained on church property in residential districts.
 - c. No livestock including cattle, cows, horses, sheep, pigs, rabbits, goats, poultry, pigeons or any other bird of the family columbidae may be kept, fed, housed, stored, or bred in any residentially zoned areas.
2. *Commercial and industrial districts.* No storage or bulk tanks, to be used for the storage of ammonia, fertilizers, or any other chemical compound of liquid that has a danger of explosion, or odor, shall be permitted, unless said tanks are placed according to the current State Safety Standards for such storage and bulk tanks. (Ord. No. 201 §623, 11-14-67; Ord. No. 1221 §1, 7-27-06; Ord. No. 1263 §§1--2, 3-8-07)

SECTION 410.170: VACATED STREETS AND ALLEYS

Whenever any street, alley or other public way is vacated by official action of the Board of Aldermen, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated street or alley and all areas included in such

adjacent district shall then and thenceforth be subject to all regulations of the extended districts. (Ord. No. 201 §624, 11-14-67)

SECTION 410.180: VISIBILITY AT INTERSECTIONS

On a corner lot in any residential district, no fence, wall, hedge or other structure or planting more than three and one-half (3½) feet in height measured from the crown of the street, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection, measured along said street lines. (Ord. No. 201 §625, 11-14-67)

SECTION 410.190: YARD REQUIREMENTS -- EXCEPTION

- A. Where the building wall is not parallel to a side or a rear lot line the required least dimension of the side yard or the rear yard along such line may be considered to be the average distance of said wall from said lot line; provided, that no such side yard shall be less than four (4) feet in width at any point, and no such rear yard be less than ten (10) feet in depth at any point, where a rear yard is required.
- B. The following exception shall apply only where forty percent (40%) or more of the existing structures, which face the same side of a street between the same two (2) intersecting streets, have observed a front set-back greater or less than the required front yard in that district. The front yard for a dwelling hereafter erected in the same block frontage shall be the average set-back of the existing structures, but in no case shall the front yard be reduced to less than fifteen (15) feet.
- C. On a corner or external lot, a structure may face either street, except that if a structure, including an attached garage, faces the street side yard (as defined in Section 400.080) the side yard set-back shall be the same as the required front yard set-back in the district. This does not relieve the normal front yard requirement of the lot as defined in this Title. (Ord. No. 201 §626, 11-14-67)

SECTION 410.200: PERMITS AND CERTIFICATES

- A. *Building Permits.*
 - 1. No building, or additions to buildings or other structures, as defined herein, shall be erected, constructed, reconstructed, altered, repaired, or converted, without first obtaining a building permit from the Building Inspector so appointed. No permit shall be issued unless there is filed in the office of the Building Inspector, information including, but not limited to, construction plans and plot plans, drawn to scale, showing the exact location or locations of any proposed structures of the building site to be occupied, and other information necessary to determine if the proposed application meets the requirements of this and any other ordinance applicable. Said application shall include in writing the proposed use or uses of said buildings or premises. No permit shall be required for portable buildings as defined in Section 400.080.
 - 2. An application for a building permit shall be approved or denied by the Building Inspector within a reasonable time, such time not to exceed ten (10) business days, from date of receipt. If application is denied, the reason for such denial shall be stated, in writing, upon the application, and applicant so notified of such denial.
 - 3. *Fees.*
 - a. There shall be a fee for each building permit issued in accordance with this Title for construction of a residence, which said fee shall be computed as follows:
One and one-half cents (\$0.015) per square foot for living area and one cent (\$0.01)

- per square foot for basement and garage. There shall be a fee charged for each building permit issued in accordance with this Title for all remodeling which said fee shall run from a three dollar (\$3.00) minimum covering from one dollar (\$1.00) to the first five hundred dollars (\$500.00) in construction costs; an additional one dollar (\$1.00) per each additional five hundred dollars (\$500.00) in construction costs shall be added to the permit fee up to construction costs of two thousand dollars (\$2,000.00); an additional two dollar (\$2.00) fee per one thousand dollars (\$1,000.00) in additional construction costs shall be added to the permit fee for remodeling up to one hundred thousand dollars (\$100,000.00); an additional sixty cents (\$0.60) per one thousand dollars (\$1,000.00) in construction costs shall be added to the permit fee for each one thousand dollars (\$1,000.00) in construction costs exceeding one hundred thousand dollars (\$100,000.00).
- b. There shall be a fee charged for each building permit for construction for commercial buildings, said fee to be based upon the costs of the commercial structure as follows: A three dollar (\$3.00) permit fee shall be charged for the first five hundred dollars (\$500.00) in construction costs; an additional one dollar (\$1.00) shall be charged for the next five hundred dollars (\$500.00) in construction costs; a fee of two dollars (\$2.00) for each one thousand dollars (\$1,000.00) exceeding the first one thousand dollars (\$1,000.00) in construction costs shall then be charged.
4. A permit shall expire after one (1) year; provided however, that extensions may be made where warranted.
 5. A record of all building permit applications and building permits issued shall be kept in the office issuing such permits.
 6. A permit issued in accordance with the provisions of this Title and pertinent ordinances, may be revoked by the issuing officer at any time prior to the completion of the structure for which the permit was issued, when it shall appear there is a departure from the approved plans, specifications and/or requirements or conditions required under the terms of the building permit, or the same was issued under false representation, or that any other provisions of this Title or any ordinance are being violated.
 7. Failure, refusal or neglect of any property owner, or his/her authorized representative, to apply for and secure a valid building permit, including the payment of the prescribed fee as provided, shall be reason for the issuance of a "stop order" by the Building Inspector; provided said owner or authorized representative shall have been notified in writing at least forty-eight (48) hours prior to the issuance of said "stop order" that he/she is in violation of ordinances of the City. Said "stop order" shall be posted on or near the property in question, in a conspicuous place, and no further construction shall proceed without filing for and receiving a valid permit, the fee for the issuance of a subsequent zoning permit shall be doubled.

B. *Occupancy Permits.*

1. No change in the use of land, and no change in the use of existing buildings shall be made until a Certificate of Occupancy shall have been issued by the Building Inspector. A Certificate of Occupancy for a new building or the structural alteration of an existing building shall be applied for coincident with the application for a building permit, and shall be issued within ten (10) days after the erection or alteration of such building, or part thereof, shall have been completed in conformity with the ordinances of the City.
2. Pending the issuance of a regular Certificate of Occupancy, a temporary Certificate of Occupancy may be issued by the Building Inspector which shall be valid for a period not to exceed six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed in any way as altering the respective rights, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this

Title; and such temporary certificate shall not be issued except under such restrictions and limitations as will adequately ensure the safety of the occupants.

3. The Certificate of Occupancy shall state that the building or proposed use of the premises complies with all the building and health ordinances, and with the provisions of this Title.
4. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector and copies thereof shall be furnished on request to any premises affected.
5. A Certificate of Occupancy shall be required for all non-conforming uses. Application for a Certificate of Occupancy for non-conforming uses shall be filed with the Building Official within twelve (12) months from the effective date of this Title, accompanied by affidavit or proof that such non-conforming use was lawfully commenced prior to the effective date of this Title.
6. A fee of one dollar (\$1.00) shall be paid to the Building Inspector for the issuance of any Certificate of Occupancy. (Ord. No. 201 §704, 11-14-67; Ord. No. 371 §1, 12-28-78; Ord. No. 415 §3, 10-9-80)

Cross Reference--Also see department of building inspection, ch. 505.

CHAPTER 415: PLANNING AND ZONING COMMISSION

SECTION 415.010: COMPOSITION, APPOINTMENT, TERM, QUALIFICATIONS AND COMPENSATION OF MEMBERS

- A. There is hereby established and created for the City of Marshfield, a Commission to be known as the Planning and Zoning Commission as provided in Chapter 89, RSMo. Such Commission shall consist of at least seven (7) members composed as follows, to wit: The Mayor, if the Mayor chooses to be a member; a member of the Board of Aldermen to be selected by said Board if the Board chooses to have a member serve on the Commission; and seven (7) citizens from the City at large to be known as Citizen Members, who shall be appointed by the Mayor and approved by the Board of Aldermen. The terms of the Citizen Members shall be staggered. The Mayor and Members of the Board of Aldermen shall serve during the term for which they were elected or appointed. The Citizen Member shall serve for a term of four (4) years from the first (1st) day of January next following their appointment. Any vacancy in a membership shall be filled for the unexpired term by appointment by the Mayor and approval by the Board of Aldermen. The Board of Aldermen may remove any Citizen Member for cause stated in writing and after public hearing.
- B. All Citizen Members shall be qualified voters and taxpayers of the City of Marshfield. All Citizen Members of the Commission shall serve without compensation. (Ord. No. 310 §1, 6-11-76)

SECTION 415.020: ORGANIZATION, RULES, REGULATIONS AND QUORUM

The Commission shall annually at its first (1st) meeting after the first (1st) day of January elect from among its citizen members a Chairman, Vice Chairman and Secretary who shall serve for a term of one (1) year. No Chairman or Vice Chairman shall serve for more than two (2) consecutive terms. The Commission shall hold regular meetings at such times and places at it may establish by its own rules and shall by its rule provide the manner for calling of special meetings. It shall adopt rules for the transaction of its business and shall keep a record of its proceedings, which record shall be a public record. (Ord. No. 310 §2, 6-11-76; Ord. No. 1148 §1, 6-23-05)

SECTION 415.030: EMPLOYMENT OF ASSISTANTS AND EXPENDITURES

The Planning and Zoning Commission shall have authority to appoint or employ such employees and staff members necessary for its work as it may deem necessary, but the expenditures of the Commission shall be within the amounts appropriated for the purpose by the Board of Aldermen. (Ord. No. 310 §3, 6-11-76)

SECTION 415.040: POWERS AND DUTIES

The Planning and Zoning Commission shall have the power and it shall be its duty to perform the following functions, to wit:

1. To exercise all powers granted to it, whether expressed or implied, in this Title.

2. Make and adopt a City plan for the physical development of the municipality.
3. Make recommendations in connection with the execution and detailed interpretation of the City plan and make such changes and adjustments in the plan from time to time as they may deem desirable.
4. Prepare, execute, administer, and make recommendations in connection with a zoning plan for the City of Marshfield for the regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density, all in conformity with the provisions of Chapter 89, RSMo.
5. Prepare and submit to the Board of Aldermen of the City of Marshfield its recommendations for regulations governing the subdivision of land with the City of Marshfield, including among other things, requirements for the coordinated development of the municipality, for the coordination of streets within subdivisions with other existing or planned streets or with other features of the City plan or official map of the City, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic. The Commission shall further make recommendations as to requirements of the extent and manner in which the streets of the subdivision shall be graded and improved, requirements as to the extent and manner of the installation of all utility facilities, and recommended manner of enforcement. All recommendations shall be in conformity with Chapter 89, RSMo., and not in conflict with this Chapter, or any ordinance of the City of Marshfield.
6. Make recommendations regarding the approval or disapproval of plats for land subdivision.
7. The Commission shall have all powers reasonably necessary and incident to carrying out the foregoing provisions and duties and shall further have any and all other powers conferred upon it by Chapter 89, RSMo., which are not in conflict with any ordinance of the City of Marshfield. (Ord. No. 310 §4, 6-11-76)

SECTION 415.050: ZONING COMMISSION

The City Planning and Zoning Commission is hereby appointed as the "Zoning Commission" to recommend the boundaries of the various original zoning districts and appropriate regulations for the enforcement of a zoning ordinance. (Ord. No. 201 §701, 11-14-67)

CHAPTER 420: BOARD OF ADJUSTMENT

SECTION 420.010: CREATION, APPOINTMENT, ORGANIZATION AND FEES

- A. A Board of Adjustment is hereby created and established. The word "Board", when used in this Chapter, shall be construed to mean the Board of Adjustment. Such Board of Adjustment shall consist of five (5) members, who shall be residents. The members shall be appointed by the Mayor with the approval of the Board of Aldermen of the City of Marshfield. The membership of the first (1st) Board appointed shall serve respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. Thereafter, members shall be appointed for terms of five (5) years each. The members shall serve without compensation.
- B. Vacancies shall be filled by appointment for the unexpired term in the same manner as appointments are made for original terms.

- C. All members shall be removable for cause by the Mayor and Board of Aldermen upon written charges and after public hearings.
- D. The Board shall annually elect one (1) of its members as Chairman and one (1) of its members as Vice Chairman. No Chairman or Vice Chairman shall serve for more than two (2) consecutive terms.
- E. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, the minutes shall indicate that fact, and all minutes together with the record of other official action shall be kept on file in the office of the Board and be a public record.
- F. The Board shall employ a reporter for the purpose of keeping records and minutes on testimony, objections, rulings, etc., of the Board at their hearings.
- G. The Board shall adopt rules of procedure in accordance with this Title.
- H. Meetings of the Board shall be held at the call of the Chairman, or in his/her absence of the Vice-Chairman, and at such other times as the Board may determine.
- I. All meetings of the Board shall be open to the public and all records shall be public records.
- J. The filing fee for an appeal to the Board of Adjustment shall be twenty-five dollars (\$25.00) and the applicant shall pay for all costs of required publication. (Ord. No. 201 §710.1, 11-14-67; Ord. No. 1083 §1, 6-24-04; Ord. No. 1146 §1, 6-23-05)

SECTION 420.020: POWERS AND DUTIES OF BOARD

The Board of Adjustment shall have the following powers and duties:

1. To hear and determine appeals where it is alleged there is error in any order, requirement, decision or determination of the Building Inspector or other administrative official in the enforcement of this Title, or any amendments thereto, or in the enforcement of any provisions contained in Sections 89.010 to 89.040, RSMo.
2. To hear and determine all matters referred to it or upon which it is required to pass under the provisions of this Title.
3. In passing upon appeals, where there are practical difficulties or unnecessary hardships involved in carrying out the strict letter of this Title, to vary or modify the application of the regulations or provisions contained herein relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of this Title shall be observed, public safety and welfare secured and substantial justice done.
4. In exercising the above mentioned powers, the Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or other administrative officer, or to decide in favor of the applicant on any matter on which it is required to pass under this Title, or to effect any variation therein.
5. The Chairman, or in his/her absence the Vice-Chairman, shall have power to administer oaths and compel the attendance of witnesses.
6. Any variance granted by the Board shall not permit a prohibited use as provided in this Title.
7. Before granting a variance the Board must find that all of the following conditions have been met, together with others herein set out:
 - a. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and that such condition has not been created by any action of the property owner or the applicant;

- b. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. (Ord. No. 201 §710.2, 11-14-67)

SECTION 420.030: APPEALS TO THE BOARD -- PROCEDURE

Appeals to the Board of Adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons, or by any officer, department, board, or bureau of the City of Marshfield, affected by any decision of the Building Inspector or other building official. Such appeal shall be taken within a reasonable time as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application after notice to the officer from whom the appeal is taken and on due cause shown. (Ord. No. 201 §710.3, 11-14-67)

SECTION 420.040: HEARINGS

The Board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official City newspaper at least fifteen (15) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the Zoning Commission. At any hearing, any party may appear in person or by agent or attorney. A decision of the Board becomes effective thirty (30) days after the date of passage and filing in the office of the Board. The applicant may proceed, at his/her own risk, to effectuate the decision of the Board before the thirty (30) day period has expired; however, should an appeal be made, said applicant shall have no recourse to the Board for any construction performed during the appeal period. Every decision of the Board of Adjustment shall be in writing, which shall contain a full record of the findings of the Board in the particular case. Each report shall be filed in the office of the City Clerk, by case number under one (1) or another of the following headings: Appeals; Variance; together with all documents pertaining thereto. The Board of Adjustment shall notify the Board of Aldermen and the Zoning Commission of each variance granted under the provisions of this Title. (Ord. No. 201 §710.4, 11-14-67)

SECTION 420.050: APPEAL FROM THE DECISION OF THE BOARD OF ADJUSTMENT

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons, or any officer, department, board or bureau of the City, may present to the Circuit Court of Webster County, a petition, duly verified, setting forth that such decision is illegal, in whole or part, and specifying the grounds of such illegality. Such petition must be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition the Court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's

attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his/her finding of fact and conclusion of law, which shall constitute a part of the proceedings upon which a determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this Chapter or Sections 89.080 to 89.110, RSMo., shall have preference over all other civil actions and proceedings. (Ord. No. 201 §710.5, 11-14-67)

CHAPTER 425: SUBDIVISION REGULATIONS

SECTION 425.010: PURPOSE AND AUTHORITY

The purpose of this Chapter is to provide requirements for the coordinated development of the municipality; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the City plan or official map of the municipality; for adequate open spaces for traffic, recreation, light and air; for a distribution of population and traffic; to provide the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved; to provide requirements as to the extent and manner of the installation of all utility facilities; and to provide a method for approval of plats of subdivisions; all of which is adopted under the authority granted by the Revised Statutes of Missouri, and in particular Sections 89.300 to 89.490 RSMo., inclusive. (Ord. No. 202 §101, 11-14-67)

SECTION 425.020: JURISDICTION

These regulations shall apply to the following forms of subdividing and re-dividing of land within the jurisdiction of the Marshfield Planning Commission in accordance with the Major Street Plan adopted as part of the Comprehensive Development Plan of Marshfield, Missouri.

1. The division of a lot, tract or parcel of land into two (2) or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the re-subdivision or re-platting of land or lots.
2. The dedicating, vacating, or reserving of a public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies.
3. The dedicating of any street or alley through any tract of land regardless of the area involved.
4. No person, owner, agent shall record in the office of the Recorder of Deeds, any plat or subdivision of any lands within the jurisdiction of Marshfield until such plat has been approved in conformity with the provisions herein set forth. (Ord. No. 202 §102, 11-14-

SECTION 425.030: DEFINITIONS

For the purposes of these regulations, the following words, terms or phrases shall have the following meanings.

ALLEY: A dedicated right-of-way for public use giving secondary vehicular access to properties otherwise abutting a street.

BLOCK: A series of lots entirely surrounded by public rights-of-way, railroad rights-of-way, parks, greenstrips or open land.

BOARD OF ALDERMEN: City Legislative Body of Marshfield.

BUILDING LINE: A line indicating the set-back requirements on certain major streets in the City of Marshfield.

CITY: Is the City of Marshfield.

COMMON SEWAGE DISPOSAL SYSTEM: A sewage vault, septic tank and lateral field, sewage treatment plant, sewage lagoon or other sanitary means of disposing of waste materials, with the right of unrestricted use by two (2) or more occupants of separate lots.

COMMON WATER SUPPLY: A well or other sanitary source of water for human consumption, with the right of unrestricted use by two (2) or more occupants of separate lots.

DEVELOPER: See "SUBDIVIDER".

EASEMENT: A grant by the property owner to the public, a corporation, partnership, or persons, of the use of a strip of land for specific use.

LOT: A subdivision of a parcel of land intended for development or transfer of ownership, whether immediate or future.

LOT, CORNER: A lot located at an intersection abutting two (2) or more streets.

PLANNING COMMISSION: City Planning and Zoning Commission of Marshfield.

PLAT, FINAL: A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptance, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

PLAT, PRELIMINARY: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

STREET: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated.

STREET, ARTERIAL OR MAJOR THOROUGHFARE: A street designed for, or used primarily for, fast or heavy traffic.

STREET, COLLECTOR: A street designed for, or used primarily to carry traffic from minor streets to the major street system (arterials, etc.) including the principal entrance streets of residential development.

STREET, CUL-DE-SAC: A minor street having one (1) end open to vehicular traffic and having one (1) closed end terminated by a turn-around.

STREET, LIMITED ACCESS OR OUTER ROADWAY: A minor street auxiliary to and located on the side of a major or arterial street for service to abutting properties and adjacent areas and for control of access.

STREET, MINOR/LOCAL: A street designed for or used primarily for access to abutting properties.

STREET, PRIVATE: Any street not dedicated to the City or County as a public thoroughfare.

SUBDIVIDER: Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

SUBDIVISION: The division of a parcel of land into two (2) or more lots or other divisions of land, including re-subdivision, and, when appropriate to the context, relates to the process of

subdividing or to the land or territory subdivided. (Ord. No. 202 §103, 11-14-67; Ord. No. 1293 §1, 8-9-07)

SECTION 425.040: PRE-APPLICATION

- A. *Procedure.* Prior to the filing of an application for approval of a preliminary plat, the subdivider shall submit to the Planning Commission plans and data showing his/her ideas and intentions in the platting of the proposed subdivision. The Planning Commission shall review such preapplication at their next regular meeting date.
- B. *Plans And Data.*
1. He/she shall outline and describe the existing conditions of the site and the proposed development to supplement the drawings and sketches required in this Section.
 2. A general location map shall be prepared and submitted and shall show the proposed subdivision and its relationship to existing community facilities. Such location map shall show the location and name of the subdivision, existing main traffic arteries, public transportation lines, schools, parks, playgrounds, high pressure gas lines, power lines and any other significant physical features.
 3. A sketch plan shall be prepared and submitted showing the proposed layout of streets, lots and other features in relation to existing utilities and other conditions. This plan may be submitted in the form of a freehand pencil sketch.
 4. Within five (5) days of the review of the preapplication plan the subdivider shall be informed by the Planning Commission whether such plans and the data submitted meet the objectives of these regulations. If the Planning Commission finds the plans and data do not meet the objectives of these regulations, it shall express its reasons therefor. (Ord. No. 202 §§200--202, 11-14-67)

SECTION 425.050: PRELIMINARY PLAT

- A. *Procedure.* On reaching conclusions as recommended in the preapplication, regarding his/her general program and objectives, the subdivider shall have prepared a Preliminary Plat, together with improvement plans and other supplementary requirements in conformance with Section 425.070 of these regulations. All preliminary plats and supplementary materials specified shall be submitted at least ten (10) days prior to the next regular meeting of the Planning Commission as follows:
1. Five (5) copies shall be submitted to the Planning Commission.
 2. Within sixty (60) days after the submission of a plat to the Commission, the commission shall approve or disapprove the plat; otherwise the plat is deemed approved by the Commission, except that the Commission, with the consent of the applicant for the approval, may extend the sixty (60) day period. The ground of disapproval of any plat by the Commission shall be made a matter of record. If approved, the Planning Commission shall express its approval as Conditional Approval and state the conditions of such approval, if any. If disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. The action of the Planning Commission shall be noted on three (3) copies of the preliminary plat with any conditions attached. One (1) copy shall be returned to the subdivider and the other two (2) retained by the Planning Commission.
 3. The Planning Commission shall forward copies of the Preliminary Plat to the Board of Aldermen for its review.
 4. Conditional approval of the preliminary plat shall not constitute approval of the final plat, but rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for

approval of the Planning Commission, and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.

5. Prior to the approval of the preliminary plat, the Planning Commission may require due consideration by the subdivider for dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform as nearly as possible to the recommendations of the Planning Commission in its Comprehensive Development Plan of the City.

B. Requirements.

1. The scale of the preliminary plat shall not be less than one (1) inch equals one hundred (100) feet on a sheet of sufficient size.
2. The preliminary plat shall contain the following information:
 - a. Proposed name of subdivision. Names shall not duplicate or closely resemble names of existing subdivisions.
 - b. Location of boundary lines in relation to section, quarter section or quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property.
 - c. Names and addresses of the developer and the surveyor or landscape architect making the plat.
 - d. Date, north point and scale.
3. Existing conditions which shall be shown.
 - a. Locations, width and name of each existing or platted street or other public way, railroad and utility right-of-way, parks and other public open spaces, and permanent buildings, within or adjacent to the proposed subdivisions.
 - b. All existing sewers, water mains, gas mains, culverts, or other underground installations within the proposed subdivision or immediately adjacent thereto, with pipe size, grades and locations shown.

- c. Names of adjacent subdivisions and owners of adjacent parcels of unsubdivided land.
- d. Topography with contour intervals of not more than five (5) feet; also the locations of water courses, ravines, bridges, lakes, wooded areas, approximate acreage, and such other features as may be pertinent to the subdivision of the property.
- e. Subsurface conditions on the tract if deemed necessary by the Planning Commission.
- 4. Proposed development which shall be shown.
 - a. The location and width of proposed streets, roadways, alleys and easements.
 - b. The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas and power lines.
 - c. Layout, numbers and approximate dimensions of lots.
 - d. Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
 - e. Building lines with dimensions if required.
 - f. Indication of any lots on which use other than residential is proposed by the subdivider.
 - g. Any protective covenants proposed by the subdivider.
 - h. Front yard set-back lines according to this Title.
- C. *Supplementary Requirements.* A copy of profiles shall be furnished for each proposed street, showing existing grades and proposed approximate grades and gradients on the centerline of the street. The location of proposed culverts and bridges shall also be shown. (Ord. No. 202 §§300-303, 11-14-67)

SECTION 425.060: FINAL PLAT

- A. *Procedure.* The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he/she proposes to record and develop at the time, provided that such portion conforms with all the requirements of these regulations. Such final plat shall be prepared by a registered engineer, surveyor or other person approved in advance by the Planning Commission. At least five (5) copies of the final plat shall be submitted to the Planning Commission at least ten (10) days prior to the meeting at which it is to be considered.
- B. *Requirements.* The final plat shall be clearly and legibly drawn at a scale of one (1) inch to one hundred (100) feet. The following information shall appear on the final plat.
 - 1. The name of subdivision (not to duplicate or closely approximate the name of any existing subdivision).

2. Location by section, township, range, County and State, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in five thousand (5,000).
3. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. Monuments shall be located at the corners of all blocks and shall be of a material and size specified by the City.
4. Location of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angles, points and points of curve to lot lines.
5. Lots shall be numbered clearly and in the center of each lot. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
6. The exact locations, widths, and names of all streets to be dedicated.
7. Location and width of all easements to be dedicated.
8. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
9. Setback lines on front and side streets with dimensions.
10. Name and address of developer and (or) owner and surveyor making the plat.
11. Scale of plat (the scale to be shown graphically and in feet per inch), date and north point.
12. Statement dedicating all easements.
13. Statement dedicating all streets, alleys and other public areas not previously dedicated.
14. Certification by registered engineer or surveyor that details of the plat are correct.
15. Certificate of approval by Planning Commission.
16. Such other certificates, affidavits, endorsements or dedications as may be required by the Planning Commission in the enforcement of this Chapter.
17. Certificate of approval of the Board of Aldermen.
18. Reference to protective covenants on subdivision or property, if any.

C. *Supplementary Requirements.*

1. In addition to the final plat, such cross-sections and profiles of streets and drainage, showing grades, as required by the Planning Commission or Board of Aldermen shall be submitted.
2. Upon filing of the final plat the subdivider shall pay a fee of one dollar (\$1.00) per lot or seventy-five dollars (\$75.00), whichever is lesser, but in no case shall the fee be less than twenty-five dollars (\$25.00). (Ord. No. 202 §§400--403, 11-14-67)

SECTION 425.070: DESIGN STANDARDS

- A. *Design Standards.*** The following shall be considered as minimum requirements and will ordinarily be varied by the Planning Commission only under conditions and circumstances set forth in these regulations.
1. Land shall be suited to the purpose for which it is to be subdivided and its proposed use shall be in accordance with the requirements of any zoning ordinance.
 2. Proposed subdivision shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- B. *Streets.*** The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to proposed uses of the land served by

such streets and design standards of streets shall conform to the provisions found herein.

1. The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding area, or conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuation or conformance to existing streets impracticable.
2. When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.
3. Streets that are obviously in alignment with others already existing and named shall bear the name of the existing streets. No street name shall be used which will duplicate or be confused with the name of any existing street in the City. Street names shall be subject to the approval of the Planning Commission.
4. Minor streets shall be so laid out that their use by through traffic will be discouraged.
5. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
6. All streets shall be platted in such manner that all resulting lots will conform to the applicable zoning regulations.
7. Streets should be laid out so as to intersect as nearly as possible at right angles and no street should intersect any other street at an angle of fifteen degrees (15°) more or less from ninety degrees (90°).
8. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed in the City under conditions approved by the Planning Commission. The subdividing of the land shall be such as to provide each lot, by means of a public street or way with satisfactory access to an existing public highway or to a thoroughfare as shown on an official map.
9. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
10. When connecting street lines deflect from each other they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than two hundred (200) feet for minor and collector streets, and of such greater radii as the Planning Commission shall determine for special cases.
11. A tangent shall be provided between all reverse curves of a sufficient length as related to the radius so as to provide for a smooth flow of traffic.
12. Clear visibility, measured along the centerline of a street, shall be provided for at least two hundred (200) feet on all streets.
13. Vertical curves are required for changes in grade.
14. No street grade shall be greater than seven percent (7%) nor less than five-tenths of one percent (0.5%).
15. Street right-of-way and paved widths shall not be less than as follows:

<i>Street Type</i>	<i>Minimum R.O.W.</i>	<i>Minimum Paved Width Curb to Curb</i>
Arterial	80 feet	52 feet
Collector	70 feet	44 feet
Local	50 feet	30 feet
Cul-de-sac	60 feet	30 feet (see also #17 below)

16. Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where

the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Where ever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

17. Dead-end streets (cul-de-sacs), designed to be so permanently, shall not be longer than eight hundred (800) feet and shall be provided at the closed end with a turnaround of at least seventy (70) feet minimum diameter, plus a fifteen (15) foot right-of-way for utilities behind all curbs.
18. Except where land use shall justify same or in other unusual cases, no dead-end streets, other than cul-de-sac treatment, shall be approved unless such dead-end streets are provided to connect with future streets in adjacent land.
19. There shall be no private streets platted, conveyed, or dedicated in any manner in any subdivision; to qualify as a public street said street must be accepted by the Board of Aldermen and their acceptance shown in the official minutes.

C. *Alleys.*

1. The minimum right-of-way width of an alley shall be twenty (20) feet.
2. All alleys shall be graded to slope to the centerline.

D. *Easements.*

1. Easements with a right-of-way width of ten (10) feet shall be provided on each side of all rear lot lines where alleys are not provided and along certain side lot lines where necessary for utilities and drainage.
2. Temporary construction easements four (4) feet in width shall be provided outside the permanent easements above.
3. Easements of greater widths may be required along or across lots where necessary for the extension of main storm and sanitary sewers and other utilities.
4. Utility pole anchor easements shall be provided where deemed necessary.
5. Whenever any stream or important surface drainage course is located in the area that is being subdivided, the subdivider shall dedicate an adequate easement as specified by the City along each side of the stream for the purpose of future widening, deepening, sloping, improving or protecting the stream, or for drainage, parkway or recreational use.

E. *Blocks.*

1. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by this Title and to provide for convenient access, circulation control and safety of street traffic.
2. Block dimensions may be subject to adjustment by the Planning Commission where topography, character of the proposed use or similar conditions justify lesser or greater lengths or widths.

F. *Lots.*

1. All lots shall have a full frontage on a dedicated public street.
2. Lot dimensions and areas shall conform to the requirements of this Title, provided further, that no lot, irrespective of potential residential use, shall be less than ten thousand (10,000) square feet, for any subdivision of land under these regulations.
3. All side lot lines shall be at right angles to straight street lines and radial to curved street lines where practicable.
4. Building lines (when applicable) or set-back lines shall be shown on the preliminary and final plats for all lots in the subdivisions and shall not be less than the building or set-back lines required by this Title.
5. Corner lots shall have such extra width as will permit the establishment of building lines on both streets.
6. House number shall be assigned to each lot by the City.

G. *Acre Subdivisions.* When the proposed subdivision involves lots of one (1) acre or more in area, consideration should be given to any resubdividing that might take place with proper provisions

being made for such street extension as may be necessary.

H. *Public Sites And Open Spaces.*

1. Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit development or where shown in the Comprehensive Development Plan, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.
2. The requiring of the dedication of public spaces as provided in the paragraph above shall not constitute an acceptance of the dedication by the City.

I. *Neighborhood Unit Development.* Whenever a subdivision is developed as a neighborhood unit, wherein adequate park or recreational area is provided, through traffic is adequately cared for and the majority of streets are of the cul-de-sac type, the Planning Commission may vary the requirements of this regulation in order to allow the subdivider more freedom in the arrangement of streets and lots, but at the same time protect the convenience, health, safety and welfare of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire community. (Ord. No. 202 §§500--509, 11-14-67; Ord. No. 720 §§1--2, 11-10-94; Ord. No. 1300 §1, 8-9-07)

SECTION 425.080: REQUIRED IMPROVEMENTS

A. *General.*

1. The improvements listed in this Section shall be installed prior to the issuance of any building permits for the subdivided area, except as hereinafter provided. In lieu of actual completion of such improvements, the subdivider may file with the Board of Aldermen a surety bond to secure the actual construction of such improvements in a manner satisfactory to the Board of Aldermen and within a period specified by the Board of Aldermen, but such period shall not exceed two (2) years. Such bond shall be accompanied by signed statements from the City Superintendent that the amount of the bond is adequate to cover the cost of the improvements. Provided however, that in lieu of actual completion of such improvements or the posting of a bond as provided for, the Planning Commission may require the subdivider to file with the Board of Aldermen a letter stating his/her intentions to complete the improvements as required herein as development takes place on his/her building sites.
2. The owner of the tract shall prepare and secure tentative approval of a final subdivision plat of the entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plat is approved for recording, or a bond actually posted, and the owner may sell or lease or offer for sale or lease lots only in the approved portion of said property, provided however, that trunk sewers and sewage treatment plants shall be designed and built to service the entire area or designed and built in such a manner that they can be easily expanded.
3. The subdivider shall furnish the City with plans and profiles of all streets, sanitary sewers and storm drainage in detail.

B. *Monuments.*

1. Monuments shall be placed at all block corners, angle points of curves in streets, and at intermediate points as shall be required by the City. The monuments shall be of such material, size and length as may be approved by the City.
2. Lot corner pins shall be provided at all corners of each lot and shall be of such material, size and length as may be approved by the City.

C. *Streets And Sidewalks.*

1. All streets shall be surfaced in accordance with applicable specifications set up by the City. Such construction shall be subject to inspection and approval by the City.
 2. Curbs, gutters, drainage and drainage structures shall be provided in accordance with standard specifications prepared by the Board of Aldermen. Such construction shall be subject to the inspection and approval of the City.
 3. a. Before any street in the corporate limits of the City of Marshfield may be opened for public traffic, regardless of whether said street has previously been dedicated to the City or not, said street shall be surfaced in accordance with applicable specifications set up by the City and required for all streets in new subdivisions as set forth in this Section. Additionally all streets shall be bordered by curbs, gutters, drainage and drainage structures in accordance with standard specifications prepared by and approved by the City of Marshfield, said specifications to be identical to the specifications required for streets in new subdivisions as set forth in this Section.
 - b. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by confinement in the County Jail for not more than one (1) year, or by both such fine and confinement.
 - c. In case any street is opened for public use in violation of this Section, or any amendments hereto, the authorities of the City of Marshfield may, in addition to other remedies, institute any appropriate action or proceedings to prevent such unlawful opening, maintenance or use, and to restrain, correct or abate such violation.
- D. *Sanitary Sewer System.* Where the sanitary sewer system of the City is reasonably accessible (such accessibility to be determined by the City), each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the City.
- E. *Water Supply.*
1. Where the City water system is reasonably accessible or procurable, (such accessibility to be determined by the City), the subdivider shall connect with the City Water Department to make the water supply available for each lot within the subdivided area.
 2. In a proposed subdivision, pending accessibility of the City water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The adequacy, healthfulness, and potability of the water supply shall be subject to the approval of the State Board of Health. The construction of the water supply system shall be subject to the approval of the City.
 3. The subdivider shall also contract with the City Water Department for the installation of fire hydrants in accordance with the City requirements.
- F. *Inspection.* All construction and installation shall be inspected by the City. The owner of the subdivision shall pay for inspection personnel furnished by the City, under the supervision of the City, on all improvements constructed by such owner of such subdivision, as contractor or subcontractors. A schedule of fees shall be prepared by the City. (Ord. No. 202 §§600--606, 11-14-67)

SECTION 425.090: VARIATIONS AND EXCEPTIONS

A. *Variances.*

1. When the subdivider can show that provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission, a departure may be made without destroying the intent of such provisions, the Planning Commission may recommend a variance to the Board of Aldermen. Any variance thus authorized is to be stated in writing in the minutes of the Planning Commission with the reasoning on which

the departure was justifiably set forth.

2. These variances shall never be authorized as a blanket variance for an entire subdivision.
- B. *Application.* Application for a variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.
- C. *Conditions.* In granting variances and modifications, the Planning Commission and Board of Aldermen may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so verified or modified.
- D. *Stage Construction.* The developer may, after receiving approval of the preliminary plat, petition the Planning Commission to proceed with the subdivision by stages. The area may be subdivided into sections, and after the approval of the Planning Commission, and the Board of Aldermen, the installation of improvements as required in Section 425.080 may be constructed.
- E. *City Not Obligated To Expend Funds.* The City shall not be obligated for the expenditure of any funds whatsoever under and pursuant to the terms of these subdivision regulations unless and until the Board of Aldermen shall have approved such expenditure by a majority vote. (Ord. No. 202 §§700--705, 11-14-67)

SECTION 425.100: ADMINISTRATION AND AMENDMENT

- A. *Notice Of Action Taken.*
 1. The Planning Commission shall determine its recommendations as to whether the subdivision plat shall be recommended for approval, with modification, or disapproval, and shall give written notice to the subdivider and the Board of Aldermen of its determination.
 2. The Board of Aldermen may approve, modify, or disapprove a Final Subdivision Plat, after recommendation from the Planning Commission, and shall so notify the applicant of its decision. If approved, the Mayor shall sign the original in the appropriate Certification Block.
- B. *Official Recording.*
 1. No plat or description of a subdivision shall be filed in the office of the County Recorder, until the same shall have been given final approval by the Board of Aldermen. This plat or description must be signed by the Mayor and attested by the City Clerk.
 2. All final plats shall be filed and recorded within two (2) years of the date of approval by the Board of Aldermen, and no lots shall be sold from any plat until same has been recorded as herein provided. Failure to record such approved plat within two (2) years of the approval shall void all approvals thereto.
- C. *Agenda.* Each plat submitted for preliminary or final approval shall be placed on the Planning Commission's agenda only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all the requirements may be submitted providing the subdivider presents with the plat a letter requesting the specific exception and enumerating in detail the reason therefor.
- D. *Amendment.* The Board of Aldermen may from time to time, amend and make public rules and regulations for the administration of these subdivision regulations after referral to the Planning Commission, to the end the public be informed and that approval of plats of subdivisions be expedited.
- E. *Penalties.*
 1. *Sale of land in unapproved plat.* No owner, or agent of the owner, of any land located within the platting jurisdiction of this municipality, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by use of a plat of any purported subdivision of the land before the plat has been approved by the

Board of Aldermen and recorded in the office of the County Recorder. Any person violating the provisions of this Section shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. A municipality may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

2. Any persons violating the provisions of this Title shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by confinement in the County Jail for not more than one (1) year, or by both such fine and confinement. (Ord. No. 202 §§800--805, 11-14-67)

CHAPTER 430: ZONING CHANGES AND AMENDMENTS

SECTION 430.010: AMENDMENTS TO BE SUBMITTED TO THE PLANNING AND ZONING COMMISSION

The Board of Aldermen may, from time to time, amend, supplement, change, modify or repeal such regulations, restrictions and boundaries contained in this Title whenever the public necessity, convenience or general welfare requires; provided such amendment, change, supplement, modification or repeal, shall have first been submitted to the Planning and Zoning Commission for its review and report as to the compatibility with the Comprehensive Plan. (Ord. No. 201 §705.1, 11-14-67)

SECTION 430.020: INITIATION OF PROPOSAL

A proposal for an amendment or change of zoning may be initiated by:

1. The Board of Aldermen
2. The Zoning Commission
3. Owners of property affected. (Ord. No. 201 §705.21, 11-14-67)

SECTION 430.030: APPLICATION AND FEE

A proposal for an amendment made under Section 430.020 (3) above, must be filed with the City, on approved forms, at least ten (10) days prior to any regular meeting of the Zoning Commission. A filing fee of twenty-five dollars (\$25.00) shall be submitted with the application and the applicant shall pay for all costs of required publication. (Ord. No. 201 §705.22, 11-14-67)

SECTION 430.040: HEARINGS

Upon receipt of a valid proposal for an amendment as outlined in Sections 430.020 and 430.030 above, the Legislative Body shall set a date for a public hearing. A published notice of the hearings shall appear once, in the official newspaper of the City, or a paper of general circulation, at least fifteen (15) days prior to such hearing. Such notice shall include at least the following information:

1. Time and place of hearing
2. The proposed change

3. The legal description of the property
4. Approximate location by street address. (Ord. No. 201 §705.23, 11-14-67)

SECTION 430.050: NOTICE TO ZONING COMMISSION

Upon receipt of an application as outlined in this Chapter, the Board of Aldermen shall refer said application to the Zoning Commission for its review and report. (Ord. No. 201 §705.24, 11-14-67)

SECTION 430.060: POSTING NOTICES

A notice shall be posted in a conspicuous place on or near the property on which the action is pending. Such notice shall be posted at least fifteen (15) days prior to such hearing. (Ord. No. 201 §705.25, 11-14-67; Ord. No. 1336 §1, 5-8-08)

SECTION 430.070: PROTESTS

Protests against such amendment or change may be filed in the office of the City Clerk at least five (5) days prior to the public hearing on petitions duly signed and acknowledged by the owners of thirty percent (30%) or more of either the area of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed. (Ord. No. 201 §705.26, 11-14-67)

SECTION 430.080: ACTION BY THE BOARD OF ALDERMEN

Upon receipt of the recommendation of the Zoning Commission, and after public hearing, duly published and notices properly given, the Board of Aldermen may approve or deny the application; except that if a valid protest has been filed, the application shall not be adopted except by at least a two-thirds (2/3) majority vote of all members of the Board of Aldermen. If the application effects the boundaries of any zone, the ordinance shall define the change of boundary, as approved, and shall order the official map to be changed, and shall amend the section incorporating the same and reincorporate such map as amended. (Ord. No. 201 §705.27, 11-14-67)

SECTION 430.090: SPECIAL USES -- PROCEDURES

- A. An application for a special use, as listed in Section 410.140 shall be filed with the Zoning Commission, on approved forms, at least twenty-five (25) days prior to any regular meeting of the Zoning Commission.
- B. The filing fee and hearing procedure shall follow those procedures and amount of fee outlined in Sections 430.030 and 430.040 except that the public hearing shall be by the Zoning Commission.
- C. After public hearing, the Zoning Commission may approve or deny said application. The decision of the Zoning Commission shall be final unless appealed to the Board of Aldermen of the City within fourteen (14) days of the date of the decision of the Zoning Commission. (Ord. No. 201 §705.28, 11-14-67)

CHAPTER 435: ENFORCEMENT, VIOLATION AND PENALTY

SECTION 435.010: ENFORCEMENT

It shall be the duty of the Building Inspector, or any designated deputy or inspector working under his/her direction, to enforce the provisions of this Title and to refuse to issue any permit for any building or structure or for the use of any premises which would violate any of the provisions hereof, and to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this Title. In the event any permit is issued that is not in conformity with the provisions of these regulations such permit shall be null and void ab initio. Any building or structure erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land used in violation of this Title shall be deemed a Public Nuisance and said Building Inspector is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation and to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, or use in or about such premises. (Ord. No. 201 §703, 11-14-67)

SECTION 435.020: NON-DISCRIMINATION

Nothing contained herein shall be construed as authorizing the Legislative Body to discriminate against any person by reason of race, color, creed, religion, sex or national origin. (Ord. No. 201 §712, 11-14-67)

SECTION 435.030: REASONABLENESS OF CODE

Any taxpayer or any other person having an interest in property affected by this Title, may have the reasonableness of this Title determined by bringing an action, in the Circuit Court of Webster County, against the Board of Aldermen of the City of Marshfield. (Ord. No. 201 §713, 11-14-67)

SECTION 435.040: VIOLATIONS AND PENALTY

- A. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Title, or any amendments thereto, or in violation of Sections 89.010 to 89.140, RSMo., or in violation of any ordinance or other regulations made under authority conferred hereby, the authorities of the City of Marshfield may, in addition to other remedies, institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alterations, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- B. The owner or general agent of a building or premises where a violation of any provision of this Title has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or the premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part, or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues; but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue

or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

- C. Any such person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of this Title in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). (Ord. No. 201 §711, 11-14-67)

CHAPTER 440: FLOODPLAIN MANAGEMENT

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES

SECTION 440.010: STATUTORY AUTHORIZATION

The legislature of the State of Missouri has in Section 89.020, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore, the City of Marshfield, Missouri, ordains as set out herein. (Ord. No. 986 Art. 1 §A, 8-8-02)

SECTION 440.020: FINDINGS OF FACT

- A. *Flood Losses Resulting From Periodic Inundation.* The special flood hazard areas of Marshfield, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- B. *General Causes Of The Flood Losses.* These flood losses are caused by:
1. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
 2. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages. (Ord. No. 986 Art. 1 §B, 8-8-02)

SECTION 440.030: STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Article I, Section 440.020(A); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(b) by applying the provisions of this Chapter to:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard. (Ord. No. 986 Art. 1 §C, 8-8-02)

ARTICLE II. GENERAL PROVISIONS

SECTION 440.040: LANDS TO WHICH CHAPTER APPLIES

This Chapter shall apply to all lands within the jurisdiction of the City of Marshfield identified as unnumbered A Zones on the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) dated August 8, 2002, as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the City of Marshfield or its duly designated representative under such safeguards and restrictions as the City of Marshfield or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article IV. (Ord. No. 986 Art. 2 §A, 8-8-02)

SECTION 440.050: FLOODPLAIN ADMINISTRATOR

The Building Inspector is hereby designated as the Floodplain Administrator under this Chapter. (Ord. No. 986 Art. 2 §B, 8-8-02)

SECTION 440.060: COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations. (Ord. No. 986 Art. 2 §C, 8-8-02)

SECTION 440.070: ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only. (Ord. No. 986 Art. 2 §D, 8-8-02)

SECTION 440.080: INTERPRETATION

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Governing Body, and shall not be deemed a limitation or repeal of any other powers granted by State Statutes. (Ord. No. 986 Art. 2 §E, 8-8-02)

SECTION 440.090: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside unnumbered A Zones or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City of Marshfield, any officer or employee thereof for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. No. 986 Art. 2 §F, 8-8-02)

ARTICLE III. ADMINISTRATION

SECTION 440.100: FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED)

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article II, Section 440.040. No person, firm, corporation, or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development. (Ord. No. 986 Art. 3 §A, 8-8-02)

SECTION 440.110: DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Building Inspector is hereby appointed to administer and implement the provisions of this Chapter. (Ord. No. 986 Art. 3 §B, 8-8-02)

SECTION 440.120: DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Building Inspector shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivision, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Missouri Department of Public Safety Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished; and
7. Where base flood elevation from other sources is utilized within unnumbered A Zones:
 - a. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
 - b. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
 - c. When floodproofing techniques are utilized for a particular non-residential structure, the Building Inspector (Floodplain Administrator) shall require certification from a registered professional engineer or architect. (Ord. No. 986 Art. 3 §C, 8-8-02)

SECTION 440.130: APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed building or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Identify the existing base flood elevation and the elevation of the proposed development;
6. Give such other information as reasonably may be required by the Building Inspector;
7. Be accompanied by plans and specifications for proposed construction; and
8. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority. (Ord. No. 986 Art. 3 §D, 8-8-02)

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 440.140: GENERAL STANDARDS

- A. No permit for floodplain development shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within any unnumbered A Zone unless the conditions of this Section are satisfied.
- B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- C. All new construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:
 1. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. Construction with materials resistant to flood damage;
 3. Utilization of methods and practices that minimize flood damages;
 4. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 5. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
 6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
- D. *Storage, Material And Equipment.*
 1. The storage or processing of materials within the special flood hazard area that are in

time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

E. *Accessory Structures.* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet may be constructed at grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued. (Ord. No. 986 Art. 4 §A, 8-8-02)

SECTION 440.150: SPECIFIC STANDARDS

A. In all areas of special flood hazard, once base flood elevation data is obtained, as set forth in Article IV, Section 440.140(B), the following provisions are required:

1. *Residential construction.* New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or one (1) foot above base flood level.
2. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article III, Section 440.120(7).
3. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. In all areas of special flood hazard, once floodway data is obtained, as set forth in Article IV, Section 440.140(B), the following provisions are required:

1. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one (1) foot at any point; and
2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development, within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community

during the occurrence of the base flood discharge. (Ord. No. 986 Art. 4 §B, 8-8-02)

SECTION 440.160: MANUFACTURED HOMES

- A. All manufactured homes to be placed within special flood hazard areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Require manufactured homes that are placed or substantially improved within unnumbered A Zones on the community's FIRM on sites:
 - 1. Outside of manufactured home park or subdivision;
 - 2. In a new manufactured home park or subdivision;
 - 3. In an expansion to an existing manufactured home park or subdivision; or
 - 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial-damage" as the result of a flood.

Be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or one (1) foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A Zones on the community's FIRM that are not subject to the provisions of Article IV, Section 440.160(B) of this Chapter be elevated so that either:
 - 1. The lowest floor of the manufactured home is at or one (1) foot above the base flood level; or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ord. No. 986 Art. 4 §C, 8-8-02)

SECTION 440.170: RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within unnumbered A Zones on the community's FHBM or FIRM either:

- 1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
- 2. Be fully licensed and ready for highway use*; or
- 3. Meet the permitting, elevation and the anchoring requirements for manufactured homes of this Chapter.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. (Ord. No. 986 Art. 4 §D, 8-8-02)

ARTICLE V. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION 440.180: ESTABLISHMENT OF APPEAL BOARD

The Board of Adjustment as established by the City of Marshfield shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter. (Ord. No. 986 Art. 5 §A, 8-8-02)

SECTION 440.190: RESPONSIBILITY OF APPEAL BOARD

- A. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Building Inspector, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Article V, Section 440.180.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Building Inspector in the enforcement or administration of this Chapter. (Ord. No. 986 Art. 5 §B, 8-8-02)

SECTION 440.200: FURTHER APPEALS

Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Webster County Court of Appeals as provided in Section 89.110, RSMo. (Ord. No. 986 Art. 5 §C, 8-8-02)

SECTION 440.210: FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following criteria:

1. The danger to life and property due to flood damage;
2. The danger that materials may be swept onto other lands to the injury of others;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flood damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems; streets; and bridges. (Ord. No. 986 Art. 5 §D, 8-8-02)

SECTION 440.220: CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsections (B) through (F) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State inventory of historic places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.

- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- F. A community shall notify the applicant in writing over the signature of a community official that:
 - 1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - 2. Such construction below the base flood level increases risks to life and property.Such notification shall be maintained with the record of all variance actions as required by this Chapter. (Ord. No. 986 Art. 5 §E, 8-8-02)

SECTION 440.230: CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

- A. Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article V, Sections 440.210 and 440.220 of this Chapter.
- B. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.
 - 1. Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
 - 2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Article IV, Section 440.140(C)(2) of this Chapter.
 - 3. The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with Article IV, Section 440.140(C)(1) of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy and hydrodynamic and debris impact forces.
 - 4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV, Section 440.140(C)(4) of this Chapter.
 - 5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article IV, Section 440.150(A)(3) of this Chapter.
 - 6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article IV, Section 440.150(B)(2) of this Chapter. No

variances may be issued for accessory structures within any designated floodway if any increase in flood levels would result during the 100-year flood.

7. Equipment, machinery or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - b. Such construction below the base flood level increases risks to life and property.Such notification shall be maintained with the record of all variance actions as required by this Chapter.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. (Ord. No. 986 Art. 5 §F, 8-8-02)

ARTICLE VI. PENALTIES FOR VIOLATION

SECTION 440.240: PENALTIES FOR VIOLATION

- A. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. Nothing herein contained shall prevent the City of Marshfield or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 986 Art. 6, 8-8-02)

ARTICLE VII. AMENDMENTS

SECTION 440.250: AMENDMENTS

The regulations, restrictions and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Marshfield. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations. (Ord. No. 986 Art. 7, 8-8-02)

ARTICLE VIII. DEFINITIONS

SECTION 440.260: DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning they have in common usage and to give this Chapter its most reasonable application.

100-YEAR FLOOD: See "**BASE FLOOD**".

ACCESSORY STRUCTURE: The same as "**APPURTENANT STRUCTURE**".

ACTUARIAL RATES: See "**RISK PREMIUM RATES**".

ADMINISTRATOR: The Federal Insurance Administrator.

AGENCY: The Federal Emergency Management Agency (FEMA).

AGRICULTURAL COMMODITIES: Agricultural products and livestock.

AGRICULTURAL STRUCTURE: Any structure used exclusively in connection with the production harvesting, storage, drying or raising of agricultural commodities.

APPEAL: A request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

APPURTENANT STRUCTURE: A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING: See "**STRUCTURE**".

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL: The official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

COMMUNITY: Any State or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

DEVELOPMENT: Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

ELIGIBLE COMMUNITY OR PARTICIPATING COMMUNITY: A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for

FIRM effective before that date. "*Existing construction*" may also be referred to as "*existing structures*".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (See "FLOODING").

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited, to emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers but does not include long-term storage or related manufacturing facilities.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOD: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "*manufactured home*" does not include a "*recreational vehicle*".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MAP: The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

MARKET VALUE OR FAIR MARKET VALUE: An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "*new construction*" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

NFIP: The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY ALSO KNOWN AS AN ELIGIBLE COMMUNITY: A community in which the Administrator has authorized the sale of flood insurance.

PERSON: Any individual or group of individuals, corporation, partnership, association or any other entity, including Federal, State and local governments and agencies.

PRINCIPALLY ABOVE GROUND: At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE: A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REMEDY A VIOLATION: To bring the structure or other development into compliance with Federal, State or local floodplain management regulations or, if this is not possible, to reduce the impacts of its non-compliance.

RISK PREMIUM RATES: Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "*Risk premium rates*" include provisions for operating costs and allowances.

SPECIAL FLOOD HAZARD AREA: See "*AREA OF SPECIAL FOOD HAZARD*".

SPECIAL HAZARD AREA: An area having special flood hazards and shown on an FHBM or FIRM as Zones (unnumbered or numbered) A, AO, AE or AH.

START OF CONSTRUCTION: Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within one hundred eighty (180) days of the permit date. The "*actual start*" means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "*actual start of construction*" means the first (1st) alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE COORDINATING AGENCY: That agency of the State Government or other office

designated by the Governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

STRUCTURE: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Structure", for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE: A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided. (Ord. No. 986 Art. 8, 8-8-02)

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: ADOPTION OF BUILDING AND CONSTRUCTION CODES

ARTICLE I. INTERNATIONAL FIRE CODE

*Cross Reference--As to additional regulations for enforcement, see ch. 505.
Editor's Note--Ord. No. 1062 §§1--5, adopted February 12, 2004, repealed section 500.010, "adoption of and conformance to the international fire code", section 500.020 "purpose of article", section 500.030 "exception to*

code", section 500.040 "application of article" as in conflict herewith and enacted the new provisions set out herein in section 500.010 leaving sections 500.020--500.040 reserved for the city's future use. Former sections 500.010-500.040 derived from ord. no. 594 §§1--4, 5-25-91; ord. no. 689 §§1--4, 5-26-94; ord. no. 872 §§1--4, 3-25-99.

SECTION 500.010: ADOPTION OF THE INTERNATIONAL FIRE CODE

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Marshfield, Missouri, being marked and designated as the International Fire Code, including Appendix Chapters B, C, E, F, G (see International Fire Code Section 101.2.1, 2006 edition), as published by the International Code Council, be and is hereby adopted as the code of the City of Marshfield, Missouri, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Marshfield, Missouri, and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2006 edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Section.
- B. The following Sections are hereby revised:
Section 101.1 Insert: City of Marshfield, Missouri.
Section 109.3. Insert: misdemeanor; \$500.00; 90.
Section 111.4. Insert: \$50.00; \$500.00. (Ord. No. 1062 §§1--2, 2-12-04; Ord. No. 1256 §§1--2, 2-22-07)

SECTIONS 500.020--500.040: RESERVED

Editor's Note--See note above to this Article.

SECTION 500.050: MOST RESTRICTIVE REQUIREMENTS TO APPLY

Except as may be specifically provided herein, no provisions of the existing Marshfield Zoning Ordinance pertaining to location, use or construction of buildings or equipment shall be nullified by provisions of this Code, but in any case the most rigid requirements shall control the construction, equipment or materials or the location of buildings or structures. Whenever State Statutes require the approval of special use group buildings, including among others, factories, schools and multi-family dwellings, the approval of such authority shall accompany the application for a permit as may be required by the Code. (Ord. No. 594 §5, 4-25-91; Ord. No. 689 §5, 5-26-94; Ord. No. 872 §5, 3-25-99)

ARTICLE II. INTERNATIONAL BUILDING CODE

Cross Reference--As to additional regulations for enforcement, see ch. 505.

Editor's Note--Ord. No. 1060 §§1--2, adopted February 12, 2004, repealed section 500.060 "adoption of building code", section 500.070 "purpose of article", section 500.080 "application of article", section 500.090 "ordinary repairs excepted" and section 500.110 "ordinary repairs--generally" as in conflict herewith and enacted the new provisions set out herein in section 500.060 leaving sections 500.070--500.090 and 500.110 reserved for the city's future use. Former sections 500.060--500.090 derived from ord. no. 615 §§1-

-3, 5-12-94; ord. no. 688 §§1--3, 5-12-94; ord. no. 873 §§1--3, 3-25-99.
Former section 500.110 derived from ord. no. 615 §§5--6, 5-12-94; ord. no.
688 §§5--6, 5-12-94; ord. no. 873 §§5--6, 3-25-99.

SECTION 500.060: ADOPTION OF INTERNATIONAL BUILDING CODE

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Marshfield, Missouri, being marked and designated as the International Building Code, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code for the City of Marshfield, in the State of Missouri; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code 2006 are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.
- B. The following Sections are hereby revised:
Section 101.1. Insert: City of Marshfield, Missouri.
Section 108.2. Insert: See Schedule A, "Fee Schedule", to Chapter 500 of the Municipal Code of the City of Marshfield.
Section 1612.3. Insert: City of Marshfield, Missouri.
Section 1612.3. Insert: July 17, 2002. (Ord. No. 1060 §§1--2, 2-12-04; Ord. No. 1065 §1, 2-26-04; Ord. No. 1255 §§1--2, 2-22-07)

SECTIONS 500.070--500.090: RESERVED

Editor's Note--See note above to this Article.

SECTION 500.100: MOST RESTRICTIVE REQUIREMENTS TO APPLY

Except as may be specifically provided herein, no provisions for the existing Marshfield Zoning Ordinance pertaining to location, use or construction of buildings shall be nullified by provisions of this Code, but in any case, the most rigid requirements shall control the construction, equipment or location of the building or structure. Whenever State Statutes require the approval of special use group buildings, including among others, factories, schools and multi-family dwellings, the approval of such authority shall accompany the application for a permit as may be required. (Ord. No. 615 §4, 2-27-92; Ord. No. 688 §4, 5-12-94; Ord. No. 873 §4, 3-25-99)

SECTION 500.110: RESERVED

Editor's Note--See note above to this Article.

ARTICLE III. INTERNATIONAL PLUMBING CODE

*Cross Reference--As to additional regulations for enforcement, see ch. 505.
Editor's Note--Ord. No. 1068 §§1--3, adopted February 12, 2004, repealed
section 500.120 "adoption of international plumbing code", section 500.130
"purpose of article", section 500.140 "application of article", section 500.150
"ordinary repairs excepted" and section 500.170 "ordinary repairs--
generally" as in conflict herewith and enacted the new provisions set out
herein in section 500.120 leaving sections 500.130--500.150 and 500.170
reserved for the city's future use. Former sections 500.120--500.150 derived
from ord. no. 495 §§1--4, 3-15-86; ord. no. 617 §§1--4, 2-27-92; ord. no. 694*

§§1--4, 5-12-94; ord. no. 874 §§1--4, 3-25-99. Former section 500.170 derived from ord. no. 495 §§6--7, 3-15-86; ord. no. 617 §§6--7, 2-27-92; ord. no. 694 §§6--7, 5-12-94; ord. no. 874 §§6--7, 3-25-99.

SECTION 500.120: ADOPTION OF INTERNATIONAL PLUMBING CODE

- A. That certain documents, three (3) copies of which are on file in the office of the City Clerk and the City of Marshfield, Missouri, being marked and designated as International Plumbing Code including Appendix B, C, D, E, F and G, as published by the International Code Council be and is hereby adopted as the code of the City of Marshfield, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Marshfield, Missouri, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2006 edition, published by the International Code Council on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Section.
- B. The following Sections are hereby revised:
- Section 101.1.* Insert: City of Marshfield, Missouri.
- Section 106.6.2.* Insert: See Attachment A.
- Section 106.6.3 Fee Refunds--*
2. Fifty (50) per cent
 3. One hundred (100) per cent
- Section 108.4.* Insert: misdemeanor; \$500.00; 90.
- Section 108.5.* Insert: \$50.00; \$500.00.
- Section 305.6.1.* Insert: Twelve (12) inches and eighteen (18) inches.
- Section 904.1.* Insert: Eighteen (18) inches. (Ord. No. 1068 §§1--3, 2-12-04; Ord. No. 1259 §§1--2, 2-22-07)

SECTIONS 500.130--500.150: RESERVED

Editor's Note--See note above to this Article.

SECTION 500.160: MOST RESTRICTIVE REQUIREMENTS TO APPLY

Except as may be specifically provided herein, no provisions for the existing Marshfield Zoning Ordinance pertaining to location, use or construction of buildings shall be nullified by provisions of this Code, but in any case, the most rigid requirements shall control the construction, equipment or location of the building or structure. Whenever State Statutes require the approval of special use group buildings, including among others, factories, schools and multi-family dwellings, the approval of such authority shall accompany the application for a permit as may be required. (Ord. No. 495 §5, 3-13-86; Ord. No. 617 §5, 2-27-92; Ord. No. 694 §5, 5-12-94; Ord. No. 874 §5, 3-25-99)

SECTION 500.170: RESERVED

Editor's Note--See note above to this Article.

ARTICLE IV. INTERNATIONAL MECHANICAL CODE

Cross Reference--As to additional regulations for enforcement, see ch. 505.
Editor's Note--Ord. No. 1064 §§1--2, adopted February 12, 2004, repealed

section 500.180 "adoption of and conformance to mechanical code", section 500.190 "purpose of article", section 500.200 "application of article", section 500.210 "violation of these provisions" as in conflict herewith and enacted the new provisions set out herein in section 500.180 leaving sections 500.190--500.210 reserved for the city's future use. Former sections 500.180--500.210 derived from ord. no. 560 §§1--4, 8-24-89; ord. no. 616 §§1--4, 2-27-92; ord. no. 687 §§1--4, 5-12-94; ord. no. 869 §§1--4, 3-25-99.

SECTION 500.180: ADOPTION OF INTERNATIONAL MECHANICAL CODE

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Marshfield, Missouri, being marked and designated as the International Mechanical Code, including Appendix Chapter A (See International Mechanical Code Section 101.2.1, 2006 edition) as published by the International Code Council, be and is hereby adopted as the code of the City of Marshfield, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Marshfield, Missouri, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 2006 edition, published by the International Code Council, on file in the office of the City Clerk of the City of Marshfield, Missouri, are hereby referred to, adopted and made a part hereof as if fully set out in this Section.
- B. The following Sections are hereby revised:
- Section 101.1.* Insert: City of Marshfield, Missouri.
- Section 106.5.2.* Insert: See attached Schedule A.
- Section 106.5.3.* Insert: Fifty percent (50%) and One hundred percent (100%).
- Section 108.4.* Insert: Shall be guilty of a misdemeanor. \$500.00 and 90 days.
- Section 108.5.* Insert: \$50.00 and \$500.00. (Ord. No. 1064 §§1--2, 2-12-04; Ord. No. 1067 §§1--2, 2-26-04; Ord. No. 1258 §§1--2, 2-22-07)

SECTIONS 500.190--500.210: RESERVED

Editor's Note--See note above to this Article.

SECTION 500.220: MOST RESTRICTIVE REQUIREMENTS TO APPLY

Except as may be specifically provided herein, no provisions for the existing Marshfield Zoning Ordinance pertaining to location, use or construction of buildings shall be nullified by provisions of this Code, but in any case, the most rigid requirements shall control the construction, equipment or location of the building, structure or system. Whenever State Statutes require the approval of special use group buildings, including among others, factories, schools and multi-family dwellings, the approval of such authority shall accompany the application for a permit as may be required. (Ord. No. 560 §5, 8-24-89; Ord. No. 616 §5, 2-27-92; Ord. No. 687 §5, 5-12-94; Ord. No. 869 §5, 3-25-99)

ARTICLE V. NATIONAL ELECTRIC CODE

Cross Reference--As to additional regulations for enforcement, see ch. 505.

SECTION 500.230: ADOPTION OF AND CONFORMANCE WITH NATIONAL

ELECTRIC CODE

All new and existing buildings, conditions and premises in the City of Marshfield, Missouri, and all construction, alteration, equipment, use, location and maintenance of electric conductors and equipment shall conform at least with the provisions of the National Electric Code, 2005 Edition, a copy of said National Electric Code, 2005 Edition, is on file in the office of the City Clerk and made a part hereof and is hereby expressly adopted by reference as the standard for the City of Marshfield, Missouri. (Ord. No. 377 §1, 9-13-79; Ord. No. 460 §1, 1-26-84; Ord. No. 600 §1, 8-22-91; Ord. No. 686 §1, 5-12-94; Ord. No. 870 §1, 3-25-99; Ord. No. 1262 §1, 2-22-07)

SECTION 500.240: PURPOSE OF ARTICLE

This Article shall be construed to secure its expressed intent and purpose which is to insure public safety, health and welfare and to safeguard life, insofar as they are effected by electric conductors and equipment, and in general to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition, maintenance, use and occupancy of buildings, structures or premises having electric conductors or equipment. (Ord. No. 377 §2, 9-13-79; Ord. No. 600 §2, 8-22-91; Ord. No. 686 §2, 5-12-94; Ord. No. 870 §2, 3-25-99; Ord. No. 1262 §2, 2-22-07)

SECTION 500.250: APPLICATION OF ARTICLE

The provisions of this Article shall apply to all property, premises, buildings and their appurtenant constructions, equipment and additions and shall apply with equal force to municipal, County, State and private buildings; except where such buildings or premises are otherwise specifically provided for by Statute. (Ord. No. 377 §3, 9-13-79; Ord. No. 600 §3, 8-22-91; Ord. No. 686 §3, 5-12-94; Ord. No. 870 §3, 3-25-99; Ord. No. 1262 §3, 2-22-07)

SECTION 500.260: VIOLATION OF THESE PROVISIONS

No building or structure shall be constructed, extended, repaired, removed or altered in violation of these provisions. (Ord. No. 377 §4, 9-13-79)

SECTION 500.270: MOST RESTRICTIVE REQUIREMENTS TO APPLY

Except as may be specifically provided herein, no provisions of the existing Marshfield Zoning Ordinance pertaining to location, use or construction of buildings or equipment shall be nullified by provisions of this Code, but in any case, the most rigid requirements shall control the construction, equipment or materials or the location of building or structures. Whenever State Statutes require the approval of special use group buildings, including among others, factories, schools and multi-family dwellings, the approval of such authority shall accompany the application for a permit as may be required by the Code. (Ord. No. 600 §4, 8-22-91; Ord. No. 686 §4, 5-12-94; Ord. No. 870 §4, 3-25-99; Ord. No. 1262 §4, 2-22-07)

SECTION 500.272: DUTIES OF BUILDING INSPECTOR AND FIRE CHIEF

It shall be the duty and responsibility of the City Building Inspector and the Chief of the Fire Department and other officers of the Fire Department to enforce the provisions of the National Electric Code hereby adopted and the Municipal Building Inspector and the Chief of the Fire Department of the City of Marshfield, Missouri, or his or their duly authorized and appointed representative is the "*Building Official*" as referred to throughout the Electric Code. (Ord. No. 1262 §5, 2-22-07)

SECTION 500.273: IMPLEMENTATION

Where there are practical difficulties involved in carrying out the express provisions of the National Electric Code, 2005 Edition, or any approved fire rule, the Chief of the Marshfield Fire Department or the Municipal Building Inspector may vary or modify such provisions upon the application of the owner, or his representative, provided that the spirit and intent of the Code shall be observed and public welfare and safety be assured. The application for modification and the final decision of the Fire Chief or Building Inspector shall be in writing and shall be officially recorded in the permanent records of the City of Marshfield, Missouri. (Ord. No. 1262 §6, 2-22-07)

SECTION 500.274: AUTHORITY OF FIRE CHIEF OR BUILDING INSPECTOR

In the discharge of his duties, the Chief of the Fire Department, the Municipal Building Inspector or his duly authorized representatives, shall have authority to enter at any reasonable hour, any building, structure, or premises in the municipality to enforce the provisions of this Code. In this regard, the Chief of the Fire Department may adopt a badge of office for himself, for the Municipal Building Inspector, and for his authorized representatives which shall be displayed for the purpose of identification. The assistance and cooperation of the Police Department, and all other municipal officials, shall be available to the Fire Chief and the Municipal Building Inspector as required in the performance of their duties. (Ord. No. 1262 §7, 2-22-07)

SECTION 500.275: ENFORCEMENT

The National Electric Code, 2005 Edition, as herein adopted, shall be enforced by the City Building Inspector and his duly authorized representatives. The City Building Inspector may designate an employee as his deputy who shall exercise all the powers of the Building Inspector during the temporary absence or disability of the Building Inspector. (Ord. No. 1262 §8, 2-22-07)

SECTION 500.276: STOP WORK ORDER

Whenever the provisions of this Article, or any National Electric Code, 2005 Edition provisions, or the plans and specifications approved hereunder are not complied with, a "stop-work order" shall be served on the owner or his representative and a copy thereof shall be posted at the site of construction. Such stop-work order shall not be removed except by written notice of the Fire Chief or Municipal Building Inspector after satisfactory evidence has been supplied to him that the violation has been corrected. (Ord. No. 1262 §9, 2-22-07)

SECTION 500.277: FILING OF APPEAL

An owner, lessee, agent, operator, or occupant aggrieved by an order pursuant to this Article may file an appeal to the Board of Aldermen of the City of Marshfield, Missouri, within ten (10) days from the service of such order or the denial of a permit by either the Chief of the Fire Department or the City Building Inspector or the City Fire Inspector, and the Board of Aldermen shall set a time and place as to when and where such appeal may be heard by the Board of Aldermen. Unless such order shall be designated an emergency order, such appeal shall stay the execution of said order until such time as it has been heard and revised, confirmed, or rescinded. An emergency "stop-work order" shall remain in effect until such appeal has been determined by the Board of Aldermen. The Board of Aldermen shall, in a hearing of an appeal, affirm, modify, revoke or direct that such order be withdrawn. Unless revoked or vacated, such order shall then be complied with. Nothing herein contained, however, shall be deemed to deny the rights of any

person, firm, corporation, co- partnership or voluntary association to appeal from an order from the provisions contained herein, or a decision of the Board of Aldermen of the City of Marshfield, Missouri, to a court of competent jurisdiction. (Ord. No. 1262 §10, 2-22-07)

SECTION 500.278: PENALTY

The owner or agent of any building, structure, or premises where a violation of any provision or regulation of the National Electric Code, 2005 Edition, has been committed or shall exist, or the lessee or tenant of an entire building or premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part in, or assists in any such violation shall be guilty of a misdemeanor which shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each and every day that such violation continues, and if the violation shall be willful, upon conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day that such violation shall continue, or by both such fine and imprisonment at the discretion of the Marshfield Municipal Court. Any person who, having been served with an order to remove any violation, shall fail to comply with said order from which no timely appeal has been taken, within ten (10) days after such service, or shall continue to violate any provision under this Code in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00) per day. The authorities of the City of Marshfield, Missouri, may, in addition to other remedies, institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use of demolition to restrain, correct or abate such violation, and to prevent the occupancy of any building, structure or land, or to prevent any act, conduct, business or use in or about such premises which is violative of the provisions of the National Electric Code, 2005 Edition as adopted herein. (Ord. No. 1262 §11, 2-22-07)

ARTICLE VI. INTERNATIONAL PROPERTY MAINTENANCE CODE

Editor's Note--Ord. No. 1069 §§1--3, adopted February 12, 2004, repealed sections 500.280 "adoption of and conformance with boca national property maintenance code--exception", section 500.300 "improved premises must be in compliance with boca national property maintenance code", section 500.310 "existing occupancy permit can be revoked--when", section 500.320 "compliance--notice of violation", section 500.330 "deletions and exceptions to property maintenance code", section 500.340 "appeals" and section 500.360 "severability" as in conflict herewith and enacted the new provisions set out herein in section 500.280 leaving sections 500.300--500.340 and 500.360 reserved for the city's future use. Former sections 500.280, 500.300--500.340 derived from ord. no. 767 §§1--4, 12--16, 5-9-96; ord. no. 871 §§1--4, 12--16. Former section 500.360 derived from ord. no. 767 §19, 5-9-96; ord. no. 871 §18, 3-25-99.

SECTION 500.280: ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Marshfield, Missouri, being marked and designated as the International Property Maintenance Code, 2006 Edition, as published by the International Code Council, be and is

hereby adopted as the Property Maintenance Code of the City of Marshfield, in the State of Missouri, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Marshfield, Missouri, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.

B. The following Sections are hereby revised:

Section 101.1. Insert: City of Marshfield, Missouri.

Section 302.4. Insert: 10" in height.

Section 303.14. Insert: April 1 to November 30.

Section 602.3. Insert: September 1 to May 30.

Section 602.4. Insert: September 1 to May 30.

Section 604.2. Insert: Refer to NEC 2005. (Ord. No. 1069 §§1--3, 2-12-04; Ord. No. 1260 §§1--2, 2-22-07)

SECTION 500.290: BUILDING INSPECTOR, BUILDING OFFICIAL -- DUTIES

- A. The Building Inspector, or employee charged with enforcement of this Code, while acting for the municipality, shall not thereby render himself/herself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties and under the provisions of the Code. He/she shall be defended as a legal representative of the municipality until the final termination of the proceedings. In no case shall the Building Inspector, or any of his/her subordinates, be liable for costs in any action, suit or proceeding that may be instituted pursuant to the provisions of the Code; any officer of the building department, while acting in good faith and without malice, shall be free from liability for acts performed under any of the provisions of the Code, or by reason of any act or omission in the performance of his/her official duties in connection therewith.
- B. The Building Inspector shall enforce compliance with the provisions of the International Property Maintenance Code.
- C. The Building Inspector shall make all of the required inspections, or he/she may accept reports of inspection of authoritative and recognized services or individuals. All reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service, or by the responsible individual, or he/she may engage such expert opinion as he/she may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the Board of Aldermen of the City of Marshfield, Missouri.
- D. The Building Inspector shall have the power, as may be necessary, in the interest of the public safety, health and general welfare, to interpret and implement the provisions of the Code, and to secure the intent and purpose thereof.
- E. Where there are practical difficulties involved in carrying out the exact provisions of the Code, the Building Official may vary or modify such provisions upon application of the owner, or his/her representative, provided that the spirit and intent of the Code shall be observed and public welfare and safety be assured. The application for modification and the final decision of the Building Official shall be in writing and shall be officially recorded in the application for the permit in the permanent records of the Department of Building Inspection.
- F. The Building Inspector shall conduct such inspections from time to time and shall maintain a

record of all such inspections of all violations of the Code. Before issuance of a certificate of use and occupancy, an inspection shall be made and all violations of the Code shall be noted and the owner/occupant shall be notified of the discrepancies.

- G. In the discharge of his/her duties, the Building Inspector, or his/her authorized representative, shall have the authority to enter at any reasonable hour, any building, structure or premises to enforce the provisions of the Code. In this regard the Building Inspector may adopt a badge of office for himself/herself and his/her authorized representatives which shall be displayed for the purpose of identification. The assistance and cooperation of the Police and Fire Departments, and all other municipal officials, shall be available to the Building Inspector as required in the performance of his/her duties. (Ord. No. 767 §§5--11, 5-9-96; Ord. No. 871 §§5--11, 3-25-99; Ord. No. 1069 §§1--3, 2-12-04)

SECTIONS 500.300--500.340: RESERVED

Editor's Note--See note above to this Article.

SECTION 500.350: PENALTY

The owner or agent of any premises or structure, where a violation of any provision of the Code has been committed or shall exist, or the lessee or tenant of an entire building or premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part in or assists in any such violation shall be guilty of a misdemeanor which shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every day that such violation continues, and if the violation be willful, upon the conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day that such violation shall continue, or by both such fine and imprisonment at the discretion of the court. Any person who, having been served with an order to remove any violation, shall fail to comply with said order from which no appeal has been taken, within thirty (30) days after such service, or shall continue to violate any provision under this Code in the respect named in such order, shall also be subject to civil penalty of two hundred fifty dollars (\$250.00) per day. The authorities of the City of Marshfield, Missouri, may, in addition to other remedies, institute any appropriate action or proceedings to prevent such unlawful maintenance or structure, and to prevent the occupancy of said premises or structure, or to prevent any act, conduct, business or use in or about such premises or structure. (Ord. No. 767 §18, 5-9-96; Ord. No. 871 §17, 3-25-99)

SECTION 500.360: RESERVED

Editor's Note--See note above to this Article.

ARTICLE VII. INTERNATIONAL RESIDENTIAL CODE

Cross Reference--As to additional regulations for enforcement, see ch. 505.

Editor's Note--Ord. No. 1061 §§1--2, adopted February 12, 2004, repealed section 500.370 "adoption of international residential code", section 500.380 "purpose of article", section 500.390 "application of article", section 500.400 "ordinary repairs excepted" and section 500.420 "ordinary repairs--generally" as in conflict herewith and enacted the new provisions set out herein in section 500.370 leaving sections 500.380--500.400 and 500.420

reserved for the city's future use. Former sections 500.370--500.400 derived from ord. no. 868 §§1--4, 3-25-99. Former section 500.420 derived from ord. no. 868 §§6--7, 3-25-99.

SECTION 500.370: ADOPTION OF INTERNATIONAL RESIDENTIAL CODE

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk and the City of Marshfield, Missouri, being marked and designated as International Residential Code, including Appendix, Chapters G, M, O, and J (see International Residential Code Section R102.5, 2006 edition), as published by the International Code Council and is hereby adopted as the code of the City of Marshfield, Missouri, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three (3) stories in height in the City of Marshfield, Missouri, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2006 edition, published by the International Code Council on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Section.
- B. The following Sections are hereby revised:
Section R101.1 Insert: City of Marshfield, Missouri.
Section P2603.6.1 Insert: Twelve (12) inches and eighteen (18) inches.
Section P3103.1 Insert: Eighteen (18) inches.
Section 108 Insert: See attached Schedule A, "Fee Schedule", to Chapter 500 of the Municipal Code of the City of Marshfield. (Ord. No. 1061 §§1--2, 2-12-04; Ord. No. 1070 §1, 2-26-04; Ord. No. 1261 §§1--2, 2-22-07)

SECTIONS 500.380--500.400: RESERVED

Editor's Note--See note above to this Article.

SECTION 500.410: MOST RESTRICTIVE REQUIREMENTS TO APPLY

Except as may be specifically provided herein, no provisions for the existing Marshfield Zoning Ordinance pertaining to location, use or construction of buildings shall be nullified by provisions of this Code, but in any case, the most rigid requirements shall control the construction, equipment or location of the building or structure. Whenever State Statutes require the approval of special use group buildings, including among others, factories, schools and multi-family dwellings, the approval of such authority shall accompany the application for a permit as may be required. (Ord. No. 868 §5, 3-25-99)

SECTION 500.420: RESERVED

Editor's Note--See note above to this Article.

ARTICLE VIII. INTERNATIONAL FUEL GAS CODE

SECTION 500.425: ADOPTION OF INTERNATIONAL FUEL GAS CODE

- A. A certain document, three (3) copies of which are on file in the office of the City Clerk and the City of Marshfield, Missouri, being marked and designated as the International Fuel Gas Code

2006, as published by the International Code Council, Inc., be and is hereby adopted as the Fuel Gas Code of the City of Marshfield, State of Missouri; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code are hereby referred to, adopted and made a part hereof as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.

B. The following Sections are hereby revised:

Section 101.1. Insert: City of Marshfield, Missouri.

Section 106.5.2. Insert: See attached Schedule A, "Fee Schedule", to Chapter 500 of the Municipal Code of the City of Marshfield.

Section 106.5.3. Insert: Fifty percent (50%) and one hundred percent (100%).

Section 108.4. Insert: misdemeanor, \$500.00; 90.

Section 108.5. Insert: \$50.00; \$500.00. (Ord. No. 1063 §§1--2, 2-12-04; Ord. No. 1066 §1, 2-26-04; Ord. No. 1257 §§1--2, 2-22-07)

ARTICLE IX. MISCELLANEOUS REGULATIONS

SECTION 500.430: FENCE REQUIREMENTS

A. *Definitions.* For purposes of this Section, the following terms shall be deemed to have the meaning indicated below:

FENCE: A structure and/or materials consisting of wood (rails or stakes), wire, masonry, vegetation (hedge) or other similar materials erected so as to provide a barrier or enclosure along the boundaries of a yard or lot. Such fence may or may not have openings for sidewalks and driveways within its vertical surface depending on its construction and use.

SIGHTPROOF FENCE: Any fence which substantially reduces the sight distance for adjacent properties or the traveling public. These fence types include, but are not limited to, wood stockade fence, masonry fence, shadow-box fence or thick vegetation (hedges).

B. *General Fence Provisions.*

1. No fence, wall, shrub or hedge shall be constructed or altered to exceed six (6) feet in height except as indicated in the specific district regulations as follows.
2. It shall be unlawful for any person to paste, stick or put upon any fence or wall within the City any graffiti, painted advertisement, poster, circular or temporary signs.
3. No person shall erect, or cause to be erected, maintain, or cause to be maintained, any fence or enclosure of which any part is charged with electrical current except as specified in the Agricultural District.
4. In the case of fences constructed over dedicated utility easements, the property owner shall provide a ten (10) foot gate for access to the utility easement. The City shall not be responsible for the replacement of said fence due to its removal for easement access.
5. In no case shall a fence be erected so as to enclose or block a stormwater catch basin, culvert, manhole or other stormwater or wastewater structure.
6. All fences which do not conform to the provisions of this Section, but which are in place prior to the effective date hereof may continue in existence, provided however, that in the event any such non-conforming fence shall be damaged or destroyed or shall decay to the extent that repairs thereto are required in an amount exceeding one hundred dollars (\$100.00), including labor and materials, then said fence shall be altered and reconstructed in conformity with the provisions of this Section.
7. All fencing must be maintained in good condition at all times. "*Good Condition*" is hereby defined to include, but shall not be limited to, replacement of damaged boards, staining or painting of surfaces, replacement of damaged fencing materials or gates and

removal of rust.

8. Fence completion shall occur within six (6) months from the start of construction.
9. When a fence is facing a public street, the improved side of the fence shall be oriented to the outside.

C. *Fence Regulation For Agricultural Districts.* Electrical and barbed wire fences shall be permitted in the Agricultural Districts when used in conjunction with approved farming operations.

D. *Fence Regulations For "R-1" Through "R-3" Districts.*

1. The use of barbed wire, hardware cloth or any other similar material shall not be permitted as fencing in residential districts.
2. Residential fences shall not exceed six (6) feet in height.
3. The owners of residential properties shall be responsible for maintaining said fences and to remove any fence if it becomes unsightly or a menace to public safety, health or welfare.
4. On a corner lot, a fence shall not extend beyond the front building line, as platted, which is parallel to the front of the house. Along other front building lines as platted on a corner lot, the fence shall be set back a minimum of fifteen (15) feet from the property line.
5. On any interior lot, a fence shall not extend beyond the front building line nor shall any fence extend beyond the side and rear property line.
6. Temporary fences may be erected in subdivisions so long as the fences are removed within thirty (30) days.
7. Ornamental dividers, plastic chains, posts or like materials erected along driveways or sidewalks shall not be considered a fence.
8. Fences shall be erected around swimming pools according to the adopted Building Codes of the City of Marshfield.
9. There shall be no fences consisting of one (1) or more strand wires constructed in residential areas.
10. Fence materials:
 - a. Fences, which are four (4) feet or less in height, may be constructed of wood, masonry, and vinyl or chain link materials.
 - b. Fences, which are greater than four (4) feet in height, shall be constructed of wood or vinyl materials.
 - (1) Chain link and masonry materials may be used if approved by the Building Regulations Department after evidence has been provided indicating that other materials are not practical and such fencing will not create aesthetic problems.

E. *Fence Regulations For All Business, Commercial And Industrial Districts.*

1. Fences higher than six (6) feet may be permitted for security and/or screening purposes. Barbed or razor wire shall be permitted only if the lowest strand is at least seven (7) feet above grade and when used for security purposes.
2. Fences are permitted on any lot or paved area so long as they do not extend beyond the front of the building line unless otherwise approved by the Planning and Zoning Commission.
3. Where a fence is constructed to comply with a screening requirement, all fencing regulations regarding maintenance, materials and height shall apply.
4. These regulations shall not apply to fences erected for the purposes of screening trash receptacles. (Ord. No. 1011, 3-27-03)

ARTICLE X. WATER AND SEWER COSTS RELATING TO NEW DEVELOPMENT

SECTION 500.440: WATER CAPACITY FEES

- A. A water capacity fee is hereby established and imposed upon all new construction within the City. The water capacity fee shall be charged in accordance with a schedule of fees (the "water capacity fee schedule") established by the Board of Aldermen and which shall be set forth in Schedule A to this Title and maintained at the Building Regulations Department. The water capacity fee schedule shall be based upon actual costs relating to and charged to the City to provide, operate and maintain the City water system, but shall not include major capital expenditures such as water towers, associated piping and wells.
- B. The water capacity fee schedule shall be reviewed by the Board of Aldermen annually and shall be adjusted based upon the Engineering News Record (ENR) 20 City Construction Cost Index. The ENR December 2006 index of 7887.46 will be deemed the base index. An annual adjustment to fees will be made each January first (1st) based on the percentage change between the December 2006 index and the December index preceding the new year.
- C. Water capacity fees must be paid to the City in conjunction with, and as a condition to the issuance of, a building permit.
- D. Any use not specifically listed will be placed in the most appropriate category. Any dispute will be settled by obtaining a daily usage from the first (1st) quarter of the first (1st) year available. During this time the required fee will be held by the City until average daily figures of actual usage are available.
- E. Capacity fees shall be collected for new construction; provided however, that any existing non-residential user relocating the same or substantially similar business within the City shall be responsible only for a fee based upon the increased capacity, if any, at the new location and the subsequent occupier of the abandoned building shall be responsible only for a fee based upon the increased capacity, if any, of the abandoned building.
- F. All water capacity fees collected by the City shall be segregated and deposited in the Water Capacity Fund and shall be used solely for the purpose of improvements or expansion to the City water supply, distribution and/or storage facilities.
- G. Water capacity fees for structures outside the City limits, as they now exist or as may be extended in the future, shall be assessed at twice the rates provided for herein.
- H. As used herein, the term "new construction" shall also include reconstruction of or addition to an existing structure that accommodates a change of use which creates additional demands on water capacity. (Ord. No. 1196 §§1--6, 2-9-06; Ord. No. 1241 §1, 11-11-06; Ord. No. 1253 §1, 1-25-07; Ord. No. 1283 §1, 5-22-07)

SECTION 500.450: SEWER CAPACITY FEES

- A. A sewer capacity fee is hereby established and imposed upon all new construction within the City. The sewer capacity fee shall be charged in accordance with a schedule of fees (the "sewer capacity fee schedule") established by the Board of Aldermen and which shall be set forth in Schedule A to this Title and maintained at the Building Regulations Department. The sewer capacity fee schedule shall be based upon actual costs relating to and charged to the City to provide, operate and maintain the City wastewater treatment and collection systems, but shall not include major capital expenditures such as treatment facilities, major trunk lines and additional lift pump stations.
- B. The sewer capacity fee schedule shall be reviewed by the Board of Aldermen annually and shall be adjusted based upon the Engineering News Record (ENR) 20 City Construction Cost Index. The ENR December 2006 index of 7887.46 will be deemed the base index. An annual adjustment to fees will be made each January first (1st) based on the percentage change between the December 2006 index and the December index preceding the new year.
- C. Sewer capacity fees must be paid to the City in conjunction with, and as a condition to the issuance of, a building permit.

- D. Any use not specifically listed will be placed in the most appropriate category. Any dispute will be settled by obtaining daily usage from the first (1st) quarter of the first (1st) year available. During this time the required fee will be held by the City until average daily figures of actual usage are available.
- E. Capacity fees shall be collected for new construction; provided however, that an existing non-residential user relocating the same or substantially similar business within the City shall be responsible only for a fee based upon the increased capacity, if any, at the new location and the subsequent occupier of the abandoned building shall be responsible only for a fee based upon the increased capacity, if any, of the abandoned building.
- F. All sewer capacity fees collected by the City shall be segregated and deposited in the Sewer Capacity Fund and shall be used solely for the purpose of improvements or expansion to the City sewer collection, treatment and/or storage facilities.
- G. As used herein, the term "new construction" shall also include reconstruction of or addition to an existing structure that accommodates a change of use which creates additional demands on sewer capacity. (Ord. No. 1195 §§1--5, 2-9-06; Ord. No. 1240 §1, 11-11-06; Ord. No. 1252 §1, 1-25-07; Ord. No. 1275 §1, 5-22-07)

SECTION 500.460: WATER COST SHARE FEE

- A. *Establishment Of A Developer Water Cost Share Fee.* A fee is hereby established and imposed upon the connection to water infrastructure that is hereafter constructed by the City, or constructed by a developer and dedicated to the City, for the purpose of providing a means of equitable reimbursement of the costs incurred in the construction of such infrastructure (the "developer water cost share fee"). The developer water cost share fee shall be imposed upon all persons who build and/or develop land in the area to be served by said infrastructure, including all property that can be served by the water extension.
- B. *Method Of Calculation.*
 - 1. The developer water cost share fees shall be calculated for each service area based upon the actual costs incurred to construct water lines, pumping stations and other water infrastructure in each respective area. Developer water cost share fees will only be assessed on the infrastructure necessary to convey water to the development. Calculations involving fee rates do not discount existing or future road right-of-ways or common property areas.
 - 2. The developer water cost share fee shall be computed by obtaining the total acres of the service area of said water system infrastructure extension outside of the existing water infrastructure area and dividing that number into the costs of only the portion of the existing water system needed to serve the proposed lot or development times the actual acres in the proposed lot or development. This fee will be charged at the time of permitting and will be adjusted based on actual construction cost. An example of this calculation is as follows:
For a total watershed area of one hundred (100) acres, a development of twenty (20) acres and an estimated infrastructure cost of two hundred fifty thousand dollars (\$250,000.00), the calculation is:
$$(\$250,000.00/100 \text{ acres}) * 20 \text{ acres} = \$50,000.00 \text{ cost share fee.}$$
 - 3. Upon completion of construction of said infrastructure and prior to acceptance by the City, the developer shall submit to the Superintendent an engineered cost share report setting forth the total actual cost of construction, excluding individual tap-in connections, per segment of water infrastructure. The Superintendent may, in his or her discretion, determine that certain costs and/or area should not be allowed in computing the developer water cost share fee.
- C. *Exemptions.* Properties that have City water service available prior to the water extension are

exempt from impositions of the developer water cost share fees described herein.

D. *Determination Of Applicable Area.* The area utilized to determine specific fees shall include the full drainage basis area that may physically utilize the subject infrastructure, irrespective of land that may be dedicated as right-of-way or common areas in the future. In some basins, the outer limit of the service area is outside the City's service boundary. In the event that a property owner desires to connect to the publicly owned water system, and all or a portion of that property lies outside of the City's service boundary, the acreage of the entire tract shall be utilized to determine the total fee.

E. *Collection And Disbursements.*

1. Prior to the issuance of a water infrastructure construction permit or building construction permit, the City staff will determine the applicability of the developer water cost share fees. If it is determined that the fees are required, such fees shall be added to the appropriate water construction permit application and must be paid by the applicant prior to the issuance of the permit. Collection for all other persons requesting connection to the utility shall occur in conjunction with a building permit.
2. All developer water cost share fees will be posted to separate line item accounts and tracked by the respective service basins. Uses of these fees should be limited to the payment of debt service for the original construction or for the improvement or expansion of water service in each of the respective areas. Any funds owed to an individual developer or the City will be reimbursed annually, up to fifteen (15) years after City acceptance of the water system or until all of the costs of the utilized water conveyance system are paid in full. The interest rate applied to the reimbursement shall be five percent (5%) per annum.

F. *Unlawful Connections--Procedure For Disconnection.*

1. It shall be unlawful for any person required to pay a developer water cost share fee to connect to the City's water system without paying such fee, and any such connection shall be subject to disconnection as set forth herein.
2. Upon discovery of an unlawful connection, the Board of Aldermen shall conduct a hearing prior to disconnecting all structures on the subject property from the water system. Notice of such hearing shall be mailed no less than fifteen (15) days, via registered mail, to the address of the property owner as the same is maintained by the Webster County Assessor's office.
3. If, after having received a notice of hearing by the City, the property owner pays all fees and costs associated with connection to the water system, the City will allow that connection to remain connected.
4. In the event that it is determined that developer water cost share fees are required, and the property owner is disconnected from the water system, the property owner shall, prior to the restoration of service, reimburse the City an amount equal to the resources expended to undertake said disconnection in addition to the payment of the developer water cost share fees.
5. Nothing herein shall prevent the City from pursuing any remedy that it may have for violations of this Section, whether the same is at law or in equity, by suit, action or other proceeding.

G. *Termination Of Fee.* If and when the historical sum of developer water cost share fees collected for any area equals the original certified construction costs or when the original designed capacity has been reached, the imposition of developer water cost share fees for that area shall cease. If the total fee required for any area exceeds the original certified construction costs in any area, a partial fee will be refunded so that the original certified construction costs will not be surpassed.

H. *Interpretation And Application.* The Board of Aldermen or their designated representative(s), in their sole discretion, shall interpret and determine the applicability of the provisions contained

herein, correct errors or omissions, address currently unidentified circumstances and supplement or amend administrative rules and regulations as are necessary for the equitable imposition of the developer water cost share fee.

- I. *Appeals.* Any property owner may appeal the determination of the Superintendent regarding the developer water cost share fee to the City Administrator. Such appeal shall be in writing and shall be submitted within fifteen (15) days of the Superintendent's determination. The City Administrator shall affirm, reverse or modify, in whole or in part, the Superintendent's determination within fifteen (15) days of receipt of the appeal. In the event that property owner's appeal is denied, in whole or in part, by the City Administrator, the property owner may appeal the determination of the Superintendent to the Board of Aldermen. Such appeal shall be in writing and shall be submitted within fifteen (15) days of the City Administrator's ruling. The Board of Aldermen shall affirm, reverse or modify, in whole or in part, the Superintendent's determination within sixty (60) days of receipt of the appeal. (Ord. No. 1202 §§1--9, 2-23-06; Ord. No. 1327 §§1--9, 3-13-08)

SECTION 500.470: SEWER COST SHARE FEE

- A. *Establishment Of A Developer Sewer Cost Share Fee.* A fee is hereby established and imposed upon the connection to sewage infrastructure that is hereafter constructed by the City, or constructed by a developer and dedicated to the City, for the purpose of providing a means of equitable reimbursement of the costs incurred in the construction of such infrastructure (the "developer sewer cost share fee"). The developer sewer cost share fee shall be imposed upon all persons who build and/or develop land in the area to be served by said infrastructure, including all property that can gravity feed to the sewage system or is pumped from an adjoining watershed.
- B. *Method Of Calculation.*
1. The developer sewer cost share fees shall be calculated for each service area based upon the actual costs incurred to construct gravity mains and interceptors, manholes, wetwells, telemetry equipment, pumping stations and force mains in each respective area. Developer sewer cost share fees will only be assessed on the infrastructure necessary to convey sewage from within the development to a City sewerage system. Calculations involving fee rates do not discount existing or future road right-of-ways or common property areas.
 2. The developer sewer cost share fee shall be computed by obtaining the total acres of the service area (total watershed) outside of the existing sewer infrastructure area and dividing that number into the costs of only the portion of the existing sewer system needed to serve the proposed lot or development times the actual acres in the proposed lot or development. This fee will be charged at the time of permitting and will be adjusted based on actual construction cost. An example of this calculation is as follows:
For a total watershed area of one hundred (100) acres, a development of twenty (20) acres and an estimated infrastructure cost of two hundred fifty thousand dollars (\$250,000.00), the calculation is:
$$(\$250,000.00/100 \text{ acres}) * 20 \text{ acres} = \$50,000.00 \text{ cost share fee.}$$
 3. Upon completion of construction of said sewage infrastructure and prior to acceptance by the City, the developer shall submit to the Superintendent an engineered cost share report setting forth the total actual cost of construction, excluding individual tap-in connections, per segment of sewer infrastructure. The Superintendent may, in his or her discretion, determine that certain costs and/or area should not be allowed in computing the developer sewer cost share fee.
- C. *Exemptions.* Properties that have City sewer service available prior to the additional sewer extension are exempt from impositions of the developer sewer cost share fees described herein.

- D. *Determination Of Applicable Area.* The area utilized to determine specific fees shall include the full drainage basis area that may physically utilize the subject infrastructure, irrespective of land that may be dedicated as right-of-way or common areas in the future. In some basins, the outer limit of the service area is outside the City's service boundary. In the event that a property owner desires to connect to the publicly owned treatment facility, and all or a portion of that property lies outside of the City service boundary, the acreage of the entire tract shall be utilized to determine the total fee.
- E. *Collection And Disbursements.*
1. Prior to the issuance of a City sewer construction permit or building construction permit, the City staff will determine the applicability of the developer sewer cost share fees. If it is determined that the fees are required, such fees shall be added to the appropriate sewer construction permit application and must be paid by the applicant prior to the issuance of the permit. Collection for all other persons requesting connection to the utility shall occur in conjunction with a building permit.
 2. All developer sewer cost share fees will be posted to separate line item accounts and tracked by the respective service basins. Uses of these fees should be limited to the payment of debt service for the original construction or for the improvement or expansion of sanitary sewer service in each of the respective basins. Any funds owed to an individual developer or the City will be reimbursed annually, up to fifteen (15) years after City acceptance of the sewer system or until all of the costs of the utilized sewer conveyance system are paid in full. The interest rate applied to the reimbursement shall be five percent (5%) per annum.
- F. *Unlawful Connections--Procedure For Disconnection.*
1. It shall be unlawful for any person required to pay a developer sewer cost share fee to connect to the City's sanitary sewer without paying such fee, and any such connection shall be subject to disconnection as set forth herein.
 2. Upon discovery of an unlawful connection, the Board of Aldermen shall conduct a hearing prior to disconnecting all structures on the subject property from the sanitary sewer system. Notice of such hearing shall be mailed no less than fifteen (15) days, via registered mail, to the address of the property owner as the same is maintained by the Webster County Assessor's office.
 3. If, after having received a notice of hearing by the City, the property owner pays all fees and costs associated with connection to the sanitary sewer, the City will allow that connection to remain connected.
 4. In the event that it is determined that developer sewer cost share fees are required, and the property owner is disconnected from the sanitary sewer system, the property owner shall, prior to the restoration of service, reimburse the City an amount equal to the resources expended to undertake said disconnection in addition to the payment of the developer sewer cost share fees.
 5. Nothing herein shall prevent the City from pursuing any remedy that it may have for violations of this Section, whether the same is at law or in equity, by suit, action or other proceeding.
- G. *Termination Of Fee.* If and when the historical sum of developer sewer cost share fees collected for any area equals the original certified construction costs or when the original designed capacity has been reached, the imposition of developer sewer cost share fees for that area shall cease. If the total fee required for any area exceeds the original certified construction costs in any area, a partial fee will be refunded so that the original certified construction costs will not be surpassed.
- H. *Interpretation And Application.* The Board of Aldermen or their designated representative(s), in their sole discretion, shall interpret and determine the applicability of the provisions contained herein, correct errors or omissions, address currently unidentified circumstances and supplement

or amend administrative rules and regulations as are necessary for the equitable imposition of the developer sewer cost share fee.

- I. *Appeals.* Any property owner may appeal the determination of the Superintendent regarding the developer sewer cost share fee to the City Administrator. Such appeal shall be in writing and shall be submitted within fifteen (15) days of the Superintendent's determination. The City Administrator shall affirm, reverse or modify, in whole or in part, the Superintendent's determination within fifteen (15) days of receipt of the appeal. In the event that property owner's appeal is denied, in whole or in part, by the City Administrator, the property owner may appeal the determination of the Superintendent to the Board of Aldermen. Such appeal shall be in writing and shall be submitted within fifteen (15) days of the City Administrator's ruling. The Board of Aldermen shall affirm, reverse or modify, in whole or in part, the Superintendent's determination within sixty (60) days of receipt of the appeal. (Ord. No. 1203 §§1--9, 2-23-06; Ord. No. 1328 §§1--9, 3-13-08)

SCHEDULE A. BUILDING PERMIT FEES AND CERTAIN FEES ASSOCIATED THEREWITH

A. *Residential Building Permit Fees, New Construction.*

Twenty cents (\$0.20) for each square foot of residential structure under roof or a minimum of two hundred fifty dollars (\$250.00).

Fifty dollars (\$50.00) for accessory buildings containing up to five hundred (500) square feet.

Fifty dollars (\$50.00) plus seven cents (\$0.07) per square foot over five hundred (500) square feet for accessory buildings over five hundred (500) square feet and up to nine hundred (900) square feet.

Twenty dollars (\$20.00) as an additional plumbing fee for each accessory building.

Thirty dollars (\$30.00) for the establishment of any separate electric service to any accessory building.

One hundred dollars (\$100.00) for additions to residential structures containing up to four hundred fifty (450) square feet.

Twenty cents (\$0.20) for each square foot of additions to residential structures containing more than four hundred fifty (450) square feet.

Twenty dollars (\$20.00) as an additional plumbing fee for each addition to residential structures.

Fifty dollars (\$50.00) for wooden decks containing two hundred (200) to five hundred (500) square feet and twenty-five dollars (\$25.00) for decks up to two hundred (200) square feet.

Fifty dollars (\$50.00) plus six cents (\$0.06) per square foot over five hundred (500) square feet for wooden decks over five hundred (500) square feet and up to seven hundred fifty (750) square feet.

One hundred dollars (\$100.00) for wooden decks over seven hundred fifty (750) square feet.

Thirty-five dollars (\$35.00) for each residential above ground swimming pool.

Fifty dollars (\$50.00) for each residential in-ground swimming pool.

Fifty dollars (\$50.00) for plan reviews on multi-family structures over two (2) units.

B. *Residential Building Permit Fees--Remodeling Fees.*

Thirty dollars (\$30.00) for each electrical service upgrade.

Fifty dollars (\$50.00) for any remodeling of a residential structure with a construction cost of up to and including ten thousand dollars (\$10,000.00).

One-half of one percent (0.5%) of the total cost of remodeling any residential structure where the total construction cost exceeds the sum of ten thousand dollars (\$10,000.00).

C. *Commercial Building Permit Fees--New Construction And Additions.*

As used herein, the following terms have the following meanings:

GROSS AREA: The total square footage of any newly constructed commercial building or the total square footage of any new addition to an existing commercial building.

Two hundred fifty dollars (\$250.00) plus the gross area times fifteen cents (\$0.15).

Plan reviews are ten percent (10%) of the building permit fee.

D. *Commercial Building Permit Fees--Remodeling.*

Two hundred dollars (\$200.00) for any remodeling of a commercial structure with a construction cost of up to and including ten thousand dollars (\$10,000.00).

Three-quarters of one percent (0.75%) of the total cost of remodeling any commercial structure where the total construction cost exceeds the sum of ten thousand dollars (\$10,000.00).

E. *Temporary Structures Permit Fees.*

Fifty dollars (\$50.00) for any temporary structure, as defined by Chapter 31, Section 3103 of the International Building Code, in excess of one hundred twenty (120) square feet.

Other fees: (Includes at least one (1) trip for inspections and possible one (1) trip for reinspection)

1. *Demolition permits, both commercial and residential:* Fifty dollars (\$50.00) (includes inspection of water and sewer services to insure that utilities have been properly disconnected and sealed).
2. *Inspection of gas or solid fuel fireplaces:* Fifty dollars (\$50.00).
3. *Inspection of patios:* Twenty-five dollars (\$25.00).
4. *Plan review, inspection and operation tests of fire suppression systems, including hood and sprinkler systems:* Two hundred dollars (\$200.00).
5. *Inspection of irrigation systems:* Twenty-five dollars (\$25.00).
6. *Inspection of carports, both attached and portable:* Twenty-five dollars (\$25.00).
7. *Curb cut:* Seventy-five dollars (\$75.00).
8. *Inspection of reroofs:* Ten dollars (\$10.00).
9. *Sewer connection inspection of sewer tap-in connections:* Thirty dollars (\$30.00).
10. *Tin horn:* Three hundred twenty dollars (\$320.00) up to twenty-four (24) feet with each additional foot at twelve dollars (\$12.00) per foot (includes installation and inspection).
11. *Street cuts:* Basic one hundred dollars (\$100.00), half cut two hundred dollars (\$200.00) and a full cut three hundred dollars (\$300.00) includes asphalt cutting and patching of the cut street.

F. *Water Capacity Fee Schedule.*

1. *Type of residential charge.*

Single-family residential	\$0.18 per square feet heated space ground level and above \$0.10 per square feet below ground level
Multi-family residential	\$0.17 per square feet heated space
Mobile/manufactured home	\$0.18 per square feet heated space
2. *Type of non-residential facility.*

Airport	\$250.00 per bathroom
Automatic car wash (no recycle)	\$3.40 per square feet of structure
Automatic car wash (recycle)	\$250.00 per stall
Car wash/detail shop (no recycle)	\$3.40 per square feet of structure
Car wash/detail shop (recycle)	\$250.00 per stall
Churches	\$0.03 per square feet heated space
Clinics	\$0.06 per square feet heated space
Commercial greenhouse	\$0.08 per square feet of structure
Convenience store	\$0.41 per square feet heated space
Day care	\$0.05 per square feet heated space
Fire sprinkler systems	\$0.42 per sprinkled area
Group homes	\$0.20 per square feet heated space
Hospitals	\$185.00 per room

Laundry (commercial)	\$0.17 per square feet heated space
Laundry (self-service)	\$1.64 per square feet heated space
Libraries, museums, art galleries	\$0.05 per square feet heated space
Lodging	\$0.17 per square feet heated space
Manufacturing	\$0.07 per square feet heated space
Mercantile/retail/wholesale/offices	\$0.04 per square feet heated space
Nursing homes	\$0.14 per square feet heated space
Open air markets and horticultural	\$250.00 per bathroom
Recreation, amusement, entertainment	\$250.00 per bathroom
Rescue squad, fire, police or ambulance stations	\$20.00 per person
Restaurants/bars/nightclubs	\$0.58 per square feet of
structure/canopy	
Schools	\$0.02 per square feet heated space
Service station	\$0.07 per square feet heated space
Theater	\$5.00 per seat or car
Veterinarian, kennel	\$0.14 per square feet heated space
All other non-categorized uses	\$0.04 per square feet

3. *Additional.*

- a. Any use not listed will be placed in the most appropriate category or placed in the non-categorized bracket. Appeals will be made to the Capacity Fee Committee who will make a recommendation to the Board of Aldermen concerning the appeal. During this time the required fee will be held by the City until a determination is made and approved by the Board of Aldermen.
- b. A person may make an appeal to the Capacity Committee by submitting in writing on a form provided by the City describing the reason for an appeal and other information supporting the appeal.
- c. No sewer or water capacity fees shall be assessed on existing customers or residences currently utilizing the municipal sewer or water systems for reconstruction or remodeling. However, capacity fees will apply for all new construction, additions, detached structures, in-fills and all other new users of the water or sewer systems of the City of Marshfield. If there is a change in the type of use as outlined in the fee schedule and the change is less, a capacity fee charge will not be assessed.
- d. All fees collected by the City from said capacity fees shall be deposited in the Sewer and Water Fund and shall be used solely for the purpose of improvements to the sewer and/or water system production, collection, pumping, treatment and/or storage facilities; said fund shall be expended only in the manner and for the purposes of capacity expansion of the water or sewer systems or dire emergency.
- e. The Mayor of the City of Marshfield shall appoint, every two (2) years, with the approval of the Board of Aldermen, a Capacity Committee consisting of two (2) Board of Aldermen members and three (3) other members who shall review this ordinance, hear appeals and make recommendations to the Board of Aldermen concerning changes, additions, adjustments or other items concerning the capacity ordinances. The Mayor may assign City staff as necessary to assist the committee with their assigned duties. The Capacity Committee shall elect a Chairman who will schedule meeting times and dates for appeals and/or review of this schedule.
- f. The water and sewer capacity fee ordinances and fees shall be reviewed every two (2) years by the Capacity Committee and shall make recommendations to the Board of Aldermen as to the need for any additions and/or deletions, adjustment of fees or other revisions as may be required.

4. *Water meter costs.*

¾ inch meter, setter, pit and service	\$ 625.00
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1 inch meter	\$ 750.00
1½ inch meter	\$1,400.00
2 inch meter	\$1,525.00
3 inch meter	\$3,650.00

Above 3 inch will be priced at cost

G. Sewer Capacity Fee Schedule.

1. *Type of residential charge.*
 - Single-family residential
 - \$0.35 per square feet heated space
ground level and above
 - \$0.15 per square feet below ground
level
 - Multi-family residential
 - \$0.21 per square feet heated space
 - Mobile/manufactured home
 - \$0.35 per square feet heated space
2. *Type of non-residential facility.*
 - Airport
 - \$600.00 per bathroom
 - Automatic car wash (no recycle)
 - \$6.25 per square feet of structure
 - Automatic car wash (recycle)
 - \$1,200.00 per stall
 - Car wash/detail shop (no recycle)
 - \$6.25 per square feet of structure
 - Car wash/detail shop (recycle)
 - \$1,200.00 per stall
 - Churches
 - \$0.06 per square feet heated space
 - Clinics
 - \$0.12 per square feet heated space
 - Commercial greenhouse
 - \$0.15 per square feet of structure
 - Convenience store
 - \$0.15 per square feet heated space
 - Day care
 - \$0.15 per square feet heated space
 - Group homes
 - \$0.39 per square feet heated space
 - Hospitals
 - \$450.00 per room
 - Laundry (commercial)
 - \$0.33 per square feet heated space
 - Laundry (self-service)
 - \$3.10 per square feet heated space
 - Libraries, museums, art galleries
 - \$0.10 per square feet heated space
 - Lodging
 - \$0.32 per square feet heated space
 - Manufacturing
 - \$0.14 per square feet heated space
 - Mercantile/retail/wholesale/offices
 - \$0.08 per square feet heated space
 - Nursing homes
 - \$0.35 per square feet heated space
 - Open air markets and horticultural
 - \$600.00 per bathroom
 - Recreation, amusement, entertainment
 - \$600.00 per bathroom
 - Rescue squad, fire, police or ambulance stations
 - \$45.00 per person
 - Restaurants/bars/nightclubs
 - \$1.09 per square feet of
structure/canopy
 - Schools
 - \$0.05 per square feet heated space
 - Service station
 - \$0.05 per square feet heated space
 - Theater
 - \$15.00 per seat or car
 - Veterinarian, kennel
 - \$0.05 per square feet heated space
 - All other non-categorized uses
 - \$0.08 per square feet

H. Definitions. As used in this Schedule, the following terms shall have these prescribed meanings:

ADDITION: To add to or increase in size to an existing building.

CHANGE OF USE: An existing building is converted to a different kind of use: ex. Business type use is converted to a restaurant.

DETACHED STRUCTURES: ex. Detached shop, garage or accessory building.

INFILL: To fill in: ex. Strip mall shell or unoccupied space that is finished at a later date.

RECONSTRUCTION: To rebuild: ex. Building damaged by flood, fire or storm, etc.

REMODEL: To alter the structure, make over: ex. Change the appearance, move walls, change

electric or mechanical systems. (Ord. No. 1065 §1, 2-26-04; Ord. No. 1066 §1, 2-26-04; Ord. No. 1067 §2, 2-26-04; Ord. No. 1068 §2, 2-12-04; Ord. No. 1070 §1, 2-26-04; Ord. No. 1195, 2-9-06; Ord. No. 1196, 2-9-06; Ord. No. 1210 §1, 4-27-06; Ord. No. 1251, 1-11-07; Ord. No. 1332, 4-24-08)

CHAPTER 505: DEPARTMENT OF BUILDING INSPECTION

Cross Reference--As to building permits concerning zoning also see §410.200.

SECTION 505.010: CREATION OF DEPARTMENT

The Department of Building Inspection is hereby created and the Mayor of the City of Marshfield, with the approval of the Board of Aldermen of the City of Marshfield, shall have the right to appoint the Building Inspector or building official responsible for insuring compliance with the various Codes adopted in Chapter 500 of this Code. (Ord. No. 377, 9-13-79; Ord. No. 495 §8, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §7, 2-27-92; Ord. No. 616 §6, 2-27-92; Ord. No. 687 §6, 5-12-94; Ord. No. 688 §7, 5-12-94; Ord. No. 869 §6, 3-25-99; Ord. No. 873 §7, 3-25-99)

SECTION 505.020: CONFLICT OF INTEREST

No Building Inspector shall be engaged directly or indirectly with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or specifications therefore, unless he/she is the owner of the building; nor shall such officer or employee engage in any work which conflicts with his/her official duties or the interest of the Department of Building Inspection. (Ord. No. 377, 9-13-79; Ord. No. 495 §10, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §9, 2-27-92; Ord. No. 616 §8, 2-27-92; Ord. No. 687 §8, 5-12-94; Ord. No. 688 §9, 5-12-94; Ord. No. 869 §8, 3-25-99; Ord. No. 873 §9, 3-25-99)

SECTION 505.030: BUILDING INSPECTOR NOT LIABLE

The Building Inspector, or employee charged with enforcement of the various Codes adopted in Chapter 500 of this Code, while acting for the municipality, shall not thereby render himself/herself liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties, and under the provisions of this Chapter he/she shall be defended as a legal representative of the municipality until the final termination of the proceedings. In no case shall the Building Inspector, or any of his/her subordinates, be liable for costs in any action, suit or proceeding that may be instituted pursuant to the provisions of this Chapter or the Codes adopted in Chapter 500 hereof; any officer of the Building Department, while acting in good faith and without malice, shall be free from liability for acts performed under any of the provisions of this Chapter or the Codes adopted in Chapter 500 of this Code, or by reason of any act or omission in the performance of his/her official duties in connection therewith. (Ord. No. 377, 9-13-79; Ord. No. 495 §11, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §10, 2-27-92; Ord. No. 616 §9, 2-27-92; Ord. No. 617 §8, 2-27-92; Ord. No. 687 §9, 5-12-94; Ord. No. 688 §10, 5-12-94; Ord. No. 694 §8, 5-12-94; Ord. No. 868 §8, 3-25-99; Ord. No. 869 §9, 3-25-99; Ord. No. 873 §10, 3-25-99; Ord. No. 874 §8, 3-25-99)

SECTION 505.040: OFFICIAL RECORDS OPEN TO PUBLIC

An official record should be kept of all business and activities of the City Building Department specified in the provisions of the various Codes adopted in Chapter 500 of this Code, and such records shall be opened to public inspection at any appropriate and reasonable time. (Ord. No. 377, 9-13-79; Ord. No. 495 §12, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §11, 2-27-92; Ord. No. 616 §10, 2-27-92; Ord. No. 687 §10, 5-12-94; Ord. No. 688 §11, 5-12-94; Ord. No. 869 §10, 3-25-99; Ord. No. 873 §11, 3-25-99)

SECTION 505.050: BUILDING INSPECTOR TO ISSUE PERMITS

The Building Inspector shall receive applications and issue permits for the erection and alteration of buildings and structures, and for the installation of plumbing and/or drainage systems of buildings and structures, and examine the premises for which such permits have been issued and shall enforce compliance with the provisions of the various Codes adopted in Chapter 500 of this Code. (Ord. No. 377, 9-13-79; Ord. No. 495 §13, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §12, 2-27-92; Ord. No. 616 §11, 2-27-92; Ord. No. 617 §9, 2-27-92; Ord. No. 687 §11, 5-12-94; Ord. No. 688 §12, 5-12-94; Ord. No. 694 §9, 5-12-94; Ord. No. 868 §9, 3-25-99; Ord. No. 869 §11, 3-25-99; Ord. No. 873 §12, 3-25-99; Ord. No. 874 §9, 3-25-99)

Cross Reference--As to permits and certificates, see §410.200.

SECTION 505.060: BUILDING INSPECTOR TO ISSUE NOTICES

The Building Inspector shall issue all necessary notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction, to require adequate exit facilities in existing buildings and structures, and to insure compliance with all of the Code requirements for the safety, health and general welfare of the public. (Ord. No. 377, 9-13-79; Ord. No. 495 §14, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §13, 2-27-92; Ord. No. 616 §12, 2-27-92; Ord. No. 687 §12, 5-12-94; Ord. No. 688 §13, 5-12-94; Ord. No. 869 §12, 3-25-99; Ord. No. 873 §13, 3-25-99)

SECTION 505.070: INSPECTIONS

The Building Inspector shall make all of the required inspections, or he/she may accept reports of inspection of authoritative and recognized services or individuals. All reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service, or by the responsible individual, or he/she may engage such expert opinion as he/she may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the Board of Aldermen of the City of Marshfield, Missouri. (Ord. No. 377, 9-13-79; Ord. No. 495 §15, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §14, 2-27-92; Ord. No. 616 §13, 2-27-92; Ord. No. 617 §10, 2-27-92; Ord. No. 687 §13, 5-12-94; Ord. No. 688 §14, 5-12-94; Ord. No. 694 §10, 5-12-94; Ord. No. 868 §10, 3-25-99; Ord. No. 869 §13, 3-25-99; Ord. No. 873 §14, 3-25-99; Ord. No. 874 §10, 3-25-99)

SECTION 505.080: BUILDING INSPECTOR TO PROMULGATE RULES

The Building Inspector shall promulgate rules under the procedures provided subsequently in this Chapter, establishing the conditions for use of new materials consistent with the provisions of the various Codes adopted in Chapter 500 of this Code and with minimum requirements based upon accepted engineering practices. The Building Inspector shall have the power as may be necessary in the interest of the public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of the various Codes adopted in

Chapter 500 of this Code and to secure the intent and purpose thereof. All rules adopted by the procedures herein established shall have the same effect as the provisions of this Chapter or the Codes adopted in Chapter 500 hereof. Such rules may be amended or repealed at anytime by the same procedure herein prescribed for their adoption. (Ord. No. 377, 9-13-79; Ord. No. 495 §16, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §14, 2-27-92; Ord. No. 616 §14, 2-27-92; Ord. No. 617 §11, 2-27-92; Ord. No. 687 §14, 5-12-94; Ord. No. 688 §14, 5-12-94; Ord. No. 694 §11, 5-12-94; Ord. No. 868 §11, 3-25-99; Ord. No. 869 §14, 3-25-99; Ord. No. 873 §15, 3-25-99; Ord. No. 874 §11, 3-25-99)

SECTION 505.090: VARIATIONS

Where there are practical difficulties involved in carrying out structural or mechanical provisions of the various Codes adopted in Chapter 500 of this Code, or of an approved rule, the building official may vary or modify such provisions upon application of the owner, or his/her representative, provided that the spirit and intent of the Code shall be observed and public welfare and safety be assured. The application for modification and the final decision of the building official shall be in writing and shall be officially recorded in the application for the permit in the permanent records of the Department of Building Inspection. (Ord. No. 377, 9-13-79; Ord. No. 495 §17, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §15, 2-27-92; Ord. No. 616 §15, 2-27-92; Ord. No. 617 §12, 2-27-92; Ord. No. 687 §15, 5-12-94; Ord. No. 688 §15, 5-12-94; Ord. No. 694 §12, 5-12-94; Ord. No. 868 §12, 3-25-99; Ord. No. 869 §15, 3-25-99; Ord. No. 873 §15, 3-25-99; Ord. No. 874 §12, 3-25-99)

SECTION 505.100: EXAMINATION OF BUILDING BEFORE ISSUANCE OF PERMIT

Before issuing a permit, the Building Inspector shall examine, or cause to be examined, all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof; or change the use of plumbing and drainage systems thereof or change or maintain mechanical systems; and he/she shall conduct such inspections from time to time during and at completion of the work for which he/she has issued a permit; and he/she shall maintain a record of all such examinations and inspections and of all violations of this Code. Upon completion of the building or structure before issuance of the certificate of use and occupancy required in this Chapter, a final inspection shall be made and all violations of the approved plans and permits shall be noted and holder of the permits shall be notified of the discrepancies. (Ord. No. 377, 9-13-79; Ord. No. 495 §18, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §16, 2-27-92; Ord. No. 616 §16, 2-27-92; Ord. No. 617 §13, 2-27-92; Ord. No. 687 §16, 5-12-94; Ord. No. 688 §16, 5-12-94; Ord. No. 694 §13, 5-12-94; Ord. No. 868 §13, 3-25-99; Ord. No. 869 §16, 3-25-99; Ord. No. 873 §16, 3-25-99; Ord. No. 874 §13, 3-25-99)

Cross Reference--As to permits and certificates, see §410.200.

SECTION 505.110: UNLAWFUL TO ALTER EQUIPMENT

It shall be unlawful to install or alter any equipment for which provision is made, or the installation of which is regulated by this Code, without first filing an application with the Marshfield Building Department and obtaining the required permit therefore; except that ordinary repairs as defined in this Chapter, which do not involve any violation of the various Codes adopted in Chapter 500 of this Code shall be exempt from this provision. (Ord. No. 377, 9-13-79; Ord. No. 495 §20, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §18, 2-27-92; Ord. No. 616 §18, 2-27-92; Ord. No. 617 §15, 2-27-92; Ord. No. 687 §18, 5-12-94; Ord. No. 688 §18, 5-12-94; Ord. No. 694 §15, 5-12-94; Ord. No. 868 §15, 3-25-99; Ord. No. 869 §18, 3-25-99;

SECTION 505.120: APPLICATION FOR PERMIT

Application for a permit shall be made by the owner or lessee of the building or structure, or the agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner, it shall be accompanied by a duly verified affidavit of the owner, or the qualified person making the application, that the proposed work is authorized by the owner and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant or of the responsible officer, if the owner or lessee is a corporate body, shall be stated in the application. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building and such additional information as may be required by the Building Inspector. The application for the permit shall be accompanied by not less than two (2) copies of the specifications and of plans drawn to scale with sufficient clarity, containing dimensions, to show the nature and character of the work to be performed. When quality of material is essential for conformity to the various Codes adopted in Chapter 500 of this Code, specific information shall be given to establish such quality; and in no case shall the various Codes adopted in Chapter 500 of this Code be cited or the term "*legal*" or its equivalent be used as a substitute for the specific information. The Building Inspector may waive the requirement for filing plans when the work involved is of a minor nature. There shall also be filed a plot plan showing the scale, the size and location of all new construction and all existing structures on the site, distances from lot lines and the established street line. In case of demolition, the plot plan shall show all of the construction to be demolished, and the location and size of all existing buildings and constructions that are to remain on the site or plot. The Building Inspector may require adequate details of structural, mechanical, plumbing and electrical work, including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design. (Ord. No. 377, 9-13-79; Ord. No. 495 §21, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §19, 2-27-92; Ord. No. 616 §19, 2-27-92; Ord. No. 617 §16, 2-27-92; Ord. No. 687 §19, 5-12-94; Ord. No. 688 §19, 5-12-94; Ord. No. 694 §16, 5-12-94; Ord. No. 868 §16, 3-25-99; Ord. No. 869 §19, 3-25-99; Ord. No. 873 §19, 3-25-99; Ord. No. 874 §16, 3-25-99)

SECTION 505.130: AMENDMENTS

Subject to the limitations of this Chapter, amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued; and such amendment shall be deemed part of the original application and shall be filed therewith. (Ord. No. 377, 9-13-79; Ord. No. 495 §22, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §20, 2-27-92; Ord. No. 616 §20, 2-27-92; Ord. No. 617 §17, 2-27-92; Ord. No. 687 §20, 5-12-94; Ord. No. 688 §20, 5-12-94; Ord. No. 694 §17, 5-12-94; Ord. No. 868 §17, 3-25-99; Ord. No. 869 §20, 3-25-99; Ord. No. 873 §20, 3-25-99; Ord. No. 874 §17, 3-25-99)

SECTION 505.140: ABANDONED APPLICATION FOR PERMIT

An application for a permit for any proposed work shall be deemed to have been abandoned one (1) year after filing, unless such application has been diligently prosecuted or a permit has been issued. (Ord. No. 377, 9-13-79; Ord. No. 495 §23, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §21, 2-27-92; Ord. No. 616 §21, 2-27-92; Ord. No. 617 §18, 2-27-92; Ord. No. 687 §21, 5-

12-94; Ord. No. 688 §21, 5-12-94; Ord. No. 694 §18, 5-12-94; Ord. No. 868 §18, 3-25-99; Ord. No. 869 §21, 3-25-99; Ord. No. 873 §21, 3-25-99; Ord. No. 874 §18, 3-25-99)

SECTION 505.150: STOP-WORK ORDER

Whenever the provisions of this Chapter, or the various Codes adopted in Chapter 500 of this Code, or of the plans and specifications approved thereunder, are not complied with, a "*stop-work order*" shall be served on the owner or his/her representative and a copy thereof shall be posted at the site of construction. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied to him/her that the violation has been corrected. (Ord. No. 377, 9-13-79; Ord. No. 495 §24, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §22, 2-27-92; Ord. No. 616 §22, 2-27-92; Ord. No. 687 §22, 5-12-94; Ord. No. 688 §22, 5-12-94; Ord. No. 694 §19, 5-12-94; Ord. No. 868 §19, 3-25-99; Ord. No. 869 §22, 3-25-99; Ord. No. 873 §22, 3-25-99; Ord. No. 874 §19, 3-25-99)

SECTION 505.160: FEES

Before receiving a building or plumbing permit, the owner or his/her agent shall pay the fees specified in the schedule of fees kept on file in the City Clerk's office and marked Exhibit "A" and made a part hereof expressly by reference. All fees for building permits or plumbing permits shall be paid to the City Collector, who shall issue a receipt in duplicate, giving the original copy to the owner or his/her agent, and the carbon copy to the City Building Inspector for his/her records. (Ord. No. 377, 9-13-79; Ord. No. 495 §25, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §23, 2-27-92; Ord. No. 616 §23, 2-27-92; Ord. No. 617 §20, 2-27-92; Ord. No. 687 §23, 5-12-94; Ord. No. 688 §23, 5-12-94; Ord. No. 694 §20, 5-12-94; Ord. No. 868 §20, 3-25-99; Ord. No. 869 §23, 3-25-99; Ord. No. 873 §23, 3-25-99; Ord. No. 874 §20, 3-25-99)

Cross Reference--As to permits and certificates, see §410.200.

SECTION 505.170: APPEALS

An owner, lessee, agent, operator or occupant aggrieved by any order issued pursuant to this Chapter may file an appeal to the Board of Aldermen of the City of Marshfield, Missouri, within ten (10) days from the service of such order or the denial of a permit by the City Building Inspector and the Board of Aldermen shall set a time and place as to when and where such appeal may be heard by the Board of Aldermen. Such appeal shall stay the execution of said order until such time as it has been heard and revised, confirmed or rescinded. The Board of Aldermen shall at a hearing of an appeal, affirm, modify, revoke or direct that such order be withdrawn. Unless revoked or vacated, such order shall then be complied with. Nothing herein contained, however, shall be deemed to deny the rights of any person, firm, corporation, co-partnership or voluntary association to appeal from an order from the provisions contained herein, or a decision of the Board of Aldermen of the City of Marshfield, Missouri, to a court of competent jurisdiction. (Ord. No. 377, 9-13-79; Ord. No. 495 §26, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 615 §24, 2-27-92; Ord. No. 616 §24, 2-27-92; Ord. No. 617 §21, 2-27-92; Ord. No. 687 §24, 5-12-94; Ord. No. 688 §24, 5-12-94; Ord. No. 694 §21, 5-12-94; Ord. No. 868 §21, 3-25-99; Ord. No. 869 §24, 3-25-99; Ord. No. 873 §24, 3-25-99; Ord. No. 874 §21, 3-25-99)

SECTION 505.180: PENALTY FOR VIOLATION

The owner or agent of any building, structure or premises where a violation of any provision or regulation of the Codes adopted in Chapter 500 have been committed or shall exist, or the lessee or tenant of an entire building or premises where such violation has been committed or shall

exist, or the general agent, architect, builder, contractor or any other person who commits, takes part in or assists in any such violation shall be guilty of a misdemeanor which shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every day that such violation continues, and if the violation be willful, upon conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day that such violation shall continue, or by both such fine and imprisonment at the discretion of the Marshfield Municipal Court. Any person who, having been served with an order to remove any violation, shall fail to comply with said order from which no timely appeal has been taken, within ten (10) days after such service, or shall continue to violate any provision under this Chapter or the Codes adopted in Chapter 500 in the respect named in such order, shall also be subject to civil penalty of two hundred fifty dollars (\$250.00) per day. The authorities of the City of Marshfield, Missouri, may, in addition to other remedies, institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or demolition to restrain, correct or abate such violation, and to prevent the occupancy of any building, structure or land, or to prevent any act, conduct, business or use in or about such premises which is violative of the provisions of the Codes adopted in Chapter 500. (Ord. No. 377, 9-13-79; Ord. No. 495 §27, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 594 §12, 4-25-91; Ord. No. 600 §11, 8-22-91; Ord. No. 615 §25, 2-27-92; Ord. No. 616 §25, 2-27-92; Ord. No. 617 §22, 2-27-92; Ord. No. 686 §11, 5-12-94; Ord. No. 687 §25, 5-12-94; Ord. No. 688 §25, 5-12-94; Ord. No. 689 §12, 5-26-94; Ord. No. 694 §22, 5-12-94; Ord. No. 868 §22, 3-25-99; Ord. No. 869 §25, 3-25-99; Ord. No. 870 §11, 3-25-99; Ord. No. 872 §12, 3-25-99; Ord. No. 873 §25, 3-25-99; Ord. No. 874 §22, 3-25-99)

SECTION 505.190: SEVERABILITY

In case any Section, clause, sentence or paragraph or part of Chapters 500 or 505, or of the various Codes adopted in Chapter 500 of this Code be adjudged invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or impair or invalidate the remainder of this Chapter nor the remainder of the above said Codes. (Ord. No. 377, 9-13-79; Ord. No. 495 §28, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 594 §13, 4-25-91; Ord. No. 600 §12, 8-22-91; Ord. No. 615 §26, 2-27-92; Ord. No. 616 §26, 2-27-92; Ord. No. 617 §23, 2-27-92; Ord. No. 686 §12, 5-12-94; Ord. No. 687 §26, 5-12-94; Ord. No. 689 §13, 5-26-95; Ord. No. 694 §23, 5-12-94; Ord. No. 868 §23, 3-25-99; Ord. No. 869 §26, 3-25-99; Ord. No. 870 §12, 3-25-99; Ord. No. 872 §13, 3-25-99; Ord. No. 873 §26, 3-25-99; Ord. No. 874 §23, 3-25-99)

SECTION 505.200: CONFLICT

All of the provisions and regulations of Chapter 500 or 505 and of the Codes adopted in Chapter 500 of this Code shall be deemed as a supplement to all other ordinances pertaining to the same subject matter. In the event that any Section, clause, sentence or paragraph of any previous ordinances shall be in direct conflict with Chapter 500 or 505 or of the Codes adopted in Chapter 500 of this Code, then that particular Section, clause, sentence or paragraph of the previous ordinances is hereby repealed. All other Sections of any previous ordinances not in conflict with this Chapter, and not in conflict with the Codes adopted in Chapter 500 of this Code shall remain in full force and effect after the passage of this Chapter. (Ord. No. 377, 9-13-79; Ord. No. 495 §29, 3-13-86; Ord. No. 560, 8-24-89; Ord. No. 594 §14, 4-25-91; Ord. No. 600 §13, 8-22-91; Ord. No. 615 §27, 2-27-92; Ord. No. 616 §27, 2-27-92; Ord. No. 686 §13, 5-12-94; Ord. No. 687 §27, 5-12-94; Ord. No. 688 §27, 5-12-94; Ord. No. 689 §14, 5-26-94; Ord. No. 869 §27, 3-25-

CHAPTER 510: PUBLIC AND PRIVATE SEWERS

ARTICLE I. GENERALLY

Editor's Note--Ord. no. 968, adopted January 24, 2002, superseded this article and enacted the new provisions set out herein. Former art. I of ch. 510 derived from ord. no. 34 §§1,7, 7-14-53; ord. no. 317 art. I--VIII, 12-10-76; and ord. no. 573 art. I--VIII, 5-10-90.

SECTION 510.010: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

BOD (*denoting Biochemical Oxygen Demand*): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days after twenty degrees centigrade (20°C), expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.

CITY: The City of Marshfield, Missouri.

COMBINED SEWER: A sewer receiving both surface runoff and sewage.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON: Any individual, firm, company, association, society, corporation or group.

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of the solution.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 centimeters) in any dimension.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SANITARY SEWER: A sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

SEWAGE: A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS: All facilities for collecting, pumping, treating and disposing of sewage.

SEWER: A pipe or conduit for carrying sewage.

SHALL: Is mandatory; **MAY:** Is permissive.

SLUDGE: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

STORM DRAIN (*sometimes termed "STORM SEWER"*): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT: The Superintendent of Wastewater Treatment Plant and /or of Water Pollution Control of the City of Marshfield or his/her authorized deputy, agent or representative.

SUSPENDED SOLIDS: Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 968 Art. I, 1-24-02)

SECTION 510.020: USE OF PUBLIC SEWER REQUIRED

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Marshfield, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the City of Marshfield, or in any area under the jurisdiction of the City, any sewage or other polluted wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, lagoon, septic tank, cesspool, other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.
- E. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City shall, after installation of toilet facilities and connection of such facilities to the proper public sewer as required in Subsection (D) of this Section, be responsible for the cost of maintaining and repairing such facilities and any sewer lines connecting such facilities with the public sewer system. (Ord. No. 968 Art. II, 1-24-02)

SECTION 510.030: PRIVATE SEWAGE DISPOSAL

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 510.020(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of fifteen dollars (\$15.00) shall be paid to the City at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is

completed to the satisfaction of the Superintendent. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.

- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private sewage disposal system employing less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. Within sixty (60) days of a public sewer becoming available to a property served by a private sewage disposal system, as provided in Subsection (D), a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- G. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (Ord. No. 968 Art. III, 1-24-02)

SECTION 510.040: BUILDING SEWERS AND CONNECTION

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent and/or the Building Regulations Department.
- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of thirty dollars (\$30.00) for a residential or commercial building sewer permit and thirty dollars (\$30.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.
- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- E. Old building sewers may be used in connection with the new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Chapter.
- F. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 and/or the Technical Specifications for Sanitary Sewer Construction shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved

means and discharged to the building sewer.

- H. No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9 and/or the Technical Specifications for Sanitary Sewer Construction. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. The applicant for the building sewer permit shall notify the Superintendent or the Building Regulations Department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his/her representative.
- K. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. No. 968 Art. IV, 1-24-02; Ord. No. 1204 §1, 2-23-06)

SECTION 510.050: USE OF THE PUBLIC SEWERS

- A. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant including, but not limited to, cyanides in excess of 1.9 mg/l as CN in the wastes as discharged to the public sewer.
 - 3. Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - 5. Any waters or wastes having (1) a five (5) day BOD greater than three hundred (300) parts per million by weight, or (2) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (3) having an average daily flow greater than two percent (2%) of the average sewage flow of the City shall be subject to the

review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (2) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information in relation to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred four degrees Fahrenheit (104°F) or forty degrees Celsius (40°C).
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32°--150°F) (0--65°C)
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols and other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 10.5.
9. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "sludge" as defined

herein.

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Subsection (C) of this Section, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
 1. Reject the wastes;
 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 3. Require control over the quantities and rates of discharge; and/or
 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection (J) of this Section.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable Codes, ordinances and laws.

- F. Grease, oil, and sand interceptors shall be provided when in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.
- I. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater" published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)
- J. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern. (Ord. No. 968 Art. V, 1-24-02)

SECTION 510.060: PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 968 Art. VI, 1-24-02)

SECTION 510.070: POWERS AND AUTHORITY OF INSPECTORS

- A. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. The Superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Subsection (A) above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 510.050(H).
- C. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 968 Art. VII, 1-24-02)

SECTION 510.080: PENALTIES

- A. It is hereby declared to be the public policy of the City of Marshfield, Missouri, that violations of this Chapter, except Section 510.060, create hazards to the health of the citizens of Marshfield, Missouri, and constitute a public nuisance.
- B. Except as provided in Subsection (D) of this Section, any person found to be violating any provision of this Chapter, except Section 510.060, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- C. Any person who shall continue any violation beyond the time limit provided for in Subsection (B) shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- D. Any person who fails to properly maintain a private building sewer or treatment system and, as a result of such failure, allows untreated sewage discharge to occur and who, after notice of violation as provided in Subsection (C) of this Section, fails to make any and all corrections or repairs necessary to stop such discharge shall be guilty of a misdemeanor and subject to fines as set out in Subsection (B) of this Section. In addition, if such discharge has not been stopped within ten (10) days after notice of violation has been given, the City shall have the right to

disconnect or shut off the water service(s) necessary to stop the flow of sewage onto private or City property. The public water supply shall be suspended until the violation has been corrected to prevent untreated discharges from harming persons, property or the environment.

- E. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation. (Ord. No. 968 Art. VIII, 1-24-02)

ARTICLE II. TECHNICAL SPECIFICATIONS FOR SANITARY CONSTRUCTION

SECTION 510.090: CONSTRUCTION TO MEET SPECIFICATIONS

All construction, design, installation, maintenance, alterations and inspection of sewer mains and pipes hereafter erected or performed shall conform at least with the provisions of the Technical Specifications for Sanitary Sewer Construction dated July 1990, as revised in April 2006, and approved by the Missouri Department of Natural Resources Division of Environmental Quality on October 29, 1990, three (3) copies of the Technical Specifications for Sanitary Sewer Construction, as amended, are on file in the office of the City Clerk and made a part hereof and being expressly adopted by reference as the construction standards for the City of Marshfield. (Ord. No. 586 §1, 11-28-90; Ord. No. 1113 §1, 2-10-05; Ord. No. 1213 §1, 4-27-06)

SECTION 510.100: PURPOSE

This Article shall be construed to secure its expressed intent and ensure public safety, health and welfare insofar as they are affected by sewer main design and construction, and, in general, to secure safety to life and property from all hazards incident to the design, installation, maintenance, alteration, repair, erection, removal of sewer mains connected to the municipal sewer system of the City of Marshfield. (Ord. No. 586 §2, 11-28-90)

SECTION 510.110: WHERE THIS ARTICLE SHALL APPLY

The provisions of this Article shall apply to all real estate, lots, streets and easements within the City of Marshfield, and all sewer mains, pipes and easements located outside the City limits of the City of Marshfield, which are connected, or which propose to connect to the Marshfield Municipal Sewer System; and shall apply with equal force to municipal, County, State and private sewer mains and pipes except where such mains and pipes are otherwise specifically provided for by Statute. (Ord. No. 586 §3, 11-28-90)

SECTION 510.120: SEWERS MUST MEET SPECIFICATIONS

No sewer main or pipe shall be constructed, extended, repaired, removed or altered and no sewer mains or pipes shall be constructed, extended, repaired, removed, or maintained in violation of these provisions. (Ord. No. 586 §4, 11-28-90)

SECTION 510.130: DEPUTY TO BE DESIGNATED

The Superintendent may designate an employee as his/her deputy who shall exercise all the powers of the Superintendent during the temporary absence or disability of the Superintendent. (Ord. No. 586 §5, 11-28-90)

SECTION 510.140: CONFLICT OF INTEREST

No Inspector shall be engaged directly or indirectly with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a sewer, or the preparation of plans or specifications therefore, nor shall such officer or employee engage in any work which conflicts with his/her official duties or the interests of the Department of Wastewater Services. (Ord. No. 586 §6, 11-28-90)

SECTION 510.150: INSPECTOR NOT LIABLE

The Inspector, or employee charged with enforcement of these specifications, while acting for the municipality, shall not thereby render himself/herself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties, and under the provisions of these specifications he/she shall be defended as a legal representative of the municipality until the final termination of the proceedings. In no case shall the Inspector, or any of his/her subordinates, be liable for costs in any action, suit or proceeding that may be instituted pursuant to the provisions of this specifications; any officer of the Sewer Department, while acting in good faith and without malice, shall be free from liability for acts performed under any of the provisions of these specifications, or by reason of any act or omission in the performance of his/her official duties in connection therewith. (Ord. No. 586 §7, 11-28-90)

SECTION 510.160: SUPERINTENDENT -- DUTIES

The Superintendent shall receive applications and issue written authorizations for the erection and alteration of sewer mains or pipes, and examine premises for which such permits have been issued, and shall enforce compliance with provisions of Technical Specifications for Sanitary Sewer Construction. (Ord. No. 586 §8, 11-28-90)

SECTION 510.170: INSPECTOR -- DUTIES

The Inspector shall make all the required inspections, or he/she may accept reports of inspections of authoritative and recognized services or individuals. All reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service, or by the responsible individual, or he/she may engage such experts opinion as he/she may deem necessary to report upon unusual technical issues that may arise, subject to approval of the Board of Aldermen of the City of Marshfield. (Ord. No. 586 §9, 11-28-90)

SECTION 510.180: SUPERINTENDENT SHALL PROMULGATE RULES

The Superintendent shall promulgate rules under the procedures provided subsequently in this Article, establishing the conditions for use of new materials consistent with the provisions of Technical Specifications for Sanitary Sewer Construction and with minimum requirements based upon accepted engineering practices. The Wastewater superintendent shall have such power as may be necessary in the interests of the public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of Technical Specifications for Sanitary Sewer Construction, and to secure the intent and purpose thereof. All rules adopted by the procedures herein established shall have the same effect as the provisions of the specifications. Such rules may be amended or repealed at any time by the same procedure herein prescribed for their adoption. No rule or regulation shall become effective until four (4) weeks after the intention to adopt such rule shall have been published in accordance with local Statutes in an official paper or public newspaper with general circulation in the municipality, and

only after a public hearing shall have been held on the rule. (Ord. No. 586 §10, 11-28-90)

SECTION 510.190: MODIFICATIONS -- WHEN

Where there are practical difficulties involving carrying out structural or mechanical provisions of Technical Specifications for Sanitary Sewer Construction, or of an approved rule, the Superintendent may vary or modify such provisions upon application of the owner, or his/her representative, provided that the spirit and intent of the specifications shall be observed and public welfare and safety be assured. The application for modification and the final decision of the Superintendent shall be in writing and shall be officially recorded in the application for the permit in the permanent records of the Department of Building Inspection. (Ord. No. 586 §11, 11-28-90)

SECTION 510.200: STOP-WORK ORDER

Whenever the provisions of this Article, or the Technical Specifications for Sanitary Sewer Construction, or of the plans and specifications approved thereunder, are not complied with, a "*stop-work order*" shall be served on the owner or his/her representatives and a copy thereof shall be posted at the site of construction. Such stop-work order shall not be removed except by written notice of the Inspector after satisfactory evidence has been supplied to him/her that the violation has been corrected. (Ord. No. 586 §12, 11-28-90)

SECTION 510.210: APPEALS

An owner, lessee, agent, or operator aggrieved by any order issued pursuant to this Article may file an appeal to the Board of Aldermen of the City of Marshfield within ten (10) days from the service of such order or the denial of an authorization to proceed by the Superintendent, and the Board of Aldermen shall set a time and place as to when and where such appeal may be heard by the Board of Aldermen. Such appeal shall stay the execution of said order until such time as it has been heard and revised, confirmed, or rescinded. The Board of Aldermen shall, at a hearing of an appeal, affirm, modify, revoke or direct that such order be withdrawn. Unless revoked or vacated, such order shall be complied with. Nothing herein contained, however, shall be deemed to deny the right of any person, firm, corporation, co-partnership, or voluntary association to appeal from an order from the provisions contained herein, or a decision of the Board of Aldermen of the City of Marshfield to a court of competent jurisdiction. (Ord. No. 586 §13, 11-28-90)

CHAPTER 515: CONSTRUCTION OF CULVERTS

SECTION 515.010: DEFINITION

The term "*Culvert*" as used in this Chapter shall include all drainage devices placed in ditches or waterways abutting public roadways, which said devices affect or allow the passage of surface effluent and storm water through, around or over said devices, whether closed or not. (Ord. No. 342 §1, 11-10-77)

SECTION 515.020: PERMIT REQUIRED -- APPLICATION -- INSPECTION OF PLANS

- A. No culvert, as heretofore defined, shall be erected, installed, and/or constructed upon any property abutting an alley or public roadway in the City of Marshfield without first obtaining a Culvert Permit from the duly appointed Building Inspector of said City. No charge shall be made for said Permit. No Permit shall be issued unless there is filed in the office of said City Building Inspector an application, upon City forms provided for that purpose, designating the exact proposed location of said culvert, the exact dimensions and material of said culvert, the name, telephone number, and address of the person, firm or corporation who proposes to construct or install said culvert, the depth, width, length and general topography of the ditch or waterway located upon the property of applicant in which said culvert is proposed to be located, and a cash bond, if required by subsequent provisions of this Chapter. The City Building Inspector shall not issue a Culvert Permit unless he/she be satisfied, both from the facts contained upon the face of the application aforesaid, and upon a visual inspection of the proposed culvert site, that the proposed culvert:
1. Shall be of sufficient size and appropriate shape, as determined by the contour of the ditch or waterway in which said culvert is proposed to be located, to permit the free and uninterrupted flow of surface effluent through said culvert without jeopardizing the alley or public roadway abutting said waterway, and without jeopardizing other property, or the ditch or waterway in which it is proposed to be constructed;
 2. Is constructed of material of sufficient strength and durability to reasonably last a minimum of twenty (20) years of ordinary and expected use in the proposed location;
 3. Shall be permanently set, installed, and/or constructed in place in such a manner as to conform with the slope of natural drainage in the ditch or waterway in which said culvert is proposed to be installed and in such a way as to permit free and uninterrupted flow of surface effluent through it, and is covered or buttressed, if necessary, by a sufficient quantity of appropriate material as is necessary to complete said installation.
- B. A Culvert Permit shall expire ninety (90) days after issuance. (Ord. No. 342 §2, 11-10-77)

SECTION 515.030: CULVERTS INSTALLED BY THE CITY

The City of Marshfield may contract with citizens for installation of culverts according to this Chapter. Such contract must be approved by the City Administrator and the City Superintendent, be in writing, and have said approvals noted thereon, prior to the issuance of a permit by the City Building Inspector according to the provisions of Section 515.020 of this Chapter. The City of Marshfield has the right to refuse to contract for any culvert installation in said City.

If, however, the City, in a given case, elects to so contract the City shall charge a fee of thirty-five dollars (\$35.00) for such installation, which shall be payment for labor and one (1) load of gravel only. In all cases where the City so contracts for a culvert installation, the property owner must furnish the approved culvert device and all other necessary materials as specified by the City Work Superintendent and the City Building Inspector. (Ord. No. 342 §3, 11-10-77)

SECTION 515.040: VIOLATIONS AND PENALTIES

- A. In case any culvert is installed, constructed or reconstructed in violation of any ordinance or other regulations made under authority conferred hereby, or is installed, constructed, or reconstructed without previously obtaining a permit as set forth in this Chapter, the authorities of the City of Marshfield may, in addition to remedies, institute any appropriate action or proceedings to prevent such unlawful construction, installation, or reconstruction, to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in or about such premises.
- B. The owner of the premises where a violation of any provision of this Chapter has been committed or shall exist, or the general agent, architect, builder, contractor or any other person

who commits, takes part, or assists in any such violation, shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) for each and every day that such violation continues; but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each and every day such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. (Ord. No. 342 §6, 11-10-77)

CHAPTER 520: WATER MAINS

SECTION 520.010: DESIGN AND CONSTRUCTION

All construction, design, installation, maintenance, alterations and inspection of water mains or pipes hereafter erected or performed, shall conform at least with the provisions of the Technical Specifications for Water Main Design and Construction dated July 1990 and approved by the Missouri Department of Natural Resources Public Drinking Water Program, three (3) copies of which Technical Specifications for Water Main Design and Construction are on file in the office of the City Clerk and made a part hereof and are being expressly adopted by reference as the construction standard for the City of Marshfield. Any Developer or Contractor desiring to construct a water main shall submit at least one (1) set of detailed documents to the City at least thirty (30) days prior to date upon which action by the City is desired. The documents should include the general layout, approved detailed plans, specifications, summary of design data, population to be served, types of establishments to be served, proximity to other water supplies, existing water and sewer mains and utility easements. Prior to beginning actual construction, the developer or his/her agent shall submit to the City an approved construction permit issued from the Missouri Department of Natural Resources. Any deviations from the approved plans or specifications must be approved by the Water Department Superintendent in writing before such changes are made. A set of "*As Built Plans*" shall be filed with the City at the completion of work. (Ord. No. 585 §1, 11-28-90)

SECTION 520.020: PURPOSE

This Chapter shall be construed to secure its expressed intent and ensure public safety, health and welfare insofar as they are affected by water main design and construction, and, in general, to secure safety to life and property from all hazards incident to the design, installation, maintenance, alteration, repair, erection, removal of water mains connected to the municipal water system of the City of Marshfield. (Ord. No. 585 §2, 11-28-90)

SECTION 520.030: APPLICATION OF CHAPTER

The provisions of this Chapter shall apply to all real estate, lots, streets and easements within the City of Marshfield, and all water mains, pipes and easements located outside the City limits of the City of Marshfield, which are connected, or which propose to connect to the Marshfield Municipal Water System; and shall apply with equal force to municipal, County, State and private water mains and pipes except where such mains and pipes are otherwise specifically provided for by Statute. (Ord. No. 585 §3, 11-28-90)

SECTION 520.040: CONSTRUCTION TO COMPLY

No water main or pipe shall be constructed, extended, repaired, removed or altered and no water mains or pipes shall be constructed, extended, repaired, removed, or maintained in violation of these provisions. (Ord. No. 585 §4, 11-28-90)

SECTION 520.050: DEPUTY TO BE DESIGNATED

The Water Superintendent may designate an employee as his/her deputy who shall exercise all the powers of the Water Superintendent during the temporary absence or disability of the Water Superintendent. (Ord. No. 585 §5, 11-28-90)

SECTION 520.060: CONFLICT OF INTEREST

No Inspector shall be engaged directly or indirectly with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a water main, or the preparation of plans or specifications therefore, nor shall such officer or employee engage in any work which conflicts with his/her official duties or the interests of the Department of Waterworks. (Ord. No. 585 §6, 11-28-90)

SECTION 520.070: INSPECTOR NOT LIABLE

The Water Superintendent, or other employee charged with enforcement of these specifications, while acting for the municipality, shall not thereby render himself/herself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties, and under the provisions of these specifications he/she shall be defended as a legal representative of the municipality until the final termination of the proceedings. In no case shall the Water Superintendent, or any of his/her subordinates, be liable for costs in any action, suit or proceeding that may be instituted pursuant to the provisions of this specifications; any officer of the Water Department, while acting in good faith and without malice, shall be free from liability for acts performed under any of the provisions of these specifications, or by reason of any act or omission in the performance of his/her official duties in connection therewith. (Ord. No. 585 §7, 11-28-90)

SECTION 520.080: SUPERINTENDENT TO ENFORCE COMPLIANCE

The Water Superintendent shall receive applications for the erection and alteration of water mains or pipes, and examine premises for which such permits have been issued, and shall enforce compliance with provisions of Technical Specifications for Water Main Design and Construction. (Ord. No. 585 §8, 11-28-90)

SECTION 520.090: REQUIRED INSPECTION TO BE MADE BY WHOM

The Water Superintendent or a designated inspector shall make all the required inspections, or he/she may accept reports of inspections of authoritative and recognized services or individuals. All reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service, or by the responsible individual, or he/she may engage such expert opinion as he/she may deem necessary to report upon unusual technical issues that may arise, subject to approval of the Board of Aldermen of the City of Marshfield. (Ord. No. 585 §9, 11-28-90)

SECTION 520.100: SUPERINTENDENT TO PROMULGATE RULES

The Water Superintendent shall promulgate rules under the procedures provided subsequently in this Chapter, establishing the conditions for use of new materials consistent with the provisions of Technical Specifications for Water Main Design and Construction and with minimum requirements based upon accepted engineering practices. The Water Superintendent shall have such power as may be necessary in the interests of the public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of Technical Specifications for Water Main Design and Construction, and to secure the intent and purpose thereof. All rules adopted by the procedures herein established shall have the same effect as the provisions of the specifications. Such rules may be amended or repealed at any time by the same procedure herein prescribed for their adoption. No rule or regulation shall become effective until four (4) weeks after the intention to adopt such rule shall have been published in accordance with local Statutes in an official paper or public newspaper with general circulation in the municipality, and only after a public hearing shall have been held on the rule. (Ord. No. 585 §10, 11-28-90)

SECTION 520.110: MODIFICATIONS

Where there are practical difficulties involving carrying out structural or mechanical provisions of Technical Specifications for Water Main Design and Construction, or of an approved rule, the Water Superintendent, with the verbal approval of the Department of Natural Resources, may vary or modify such provisions upon application of the contractor, or his/her representative, provided that the spirit and intent of the specifications shall be observed and public welfare and safety be assured. The application for modification and the final decision of the Water Superintendent shall be in writing and shall be officially recorded in the application for the permit in the permanent records of the Water Department Superintendent. (Ord. No. 585 §11, 11-28-90)

SECTION 520.120: STOP-WORK ORDER

Whenever the provisions of this Chapter, or the Technical Specifications for Water Main Design and Construction, or of the plans and specifications approved thereunder, are not complied with, a "*stop-work order*" shall be served on the owner or his/her representatives and a copy thereof shall be posted at the site of construction. Such stop-work order shall not be removed except by written notice of the Inspector after satisfactory evidence has been supplied to him/her that the violation has been corrected. (Ord. No. 585 §12, 11-28-90)

SECTION 520.130: APPEALS

An owner, lessee, agent, or operator aggrieved by any order issued pursuant to this Chapter may file an appeal to the Board of Aldermen of the City of Marshfield within ten (10) days from the service of such order or the denial of an authorization to proceed by the Water Department Superintendent, and the Board of Aldermen shall set a time and place as to when and where such appeal may be heard by the Board of Aldermen. Such appeal shall stay the execution of said order until such time as it has been heard and revised, confirmed, or rescinded. The Board of Aldermen shall, at a hearing of an appeal, affirm, modify, revoke or direct that such order be withdrawn. Unless revoked or vacated, such order shall be complied with. Nothing herein contained, however, shall be deemed to deny the right of any person, firm, corporation, co-partnership, or voluntary association to appeal from an order from the provisions contained herein, or a decision of the Board of Aldermen of the City of Marshfield to a court of competent jurisdiction. (Ord. No. 585 §13, 11-28-90)

SECTION 520.140: VIOLATION AND PENALTY

- A. Whenever in this Chapter, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County jail not exceeding ninety (90) days or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County jail.
- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

CHAPTER 530: STORM WATER DRAINAGE AND DETENTION

SECTION 530.010: GENERAL

- A. Storm water runoff and the velocity of discharge are considerably increased through development and growth of the City.
- B. Prior to the development of the land, surface conditions provide a higher percentage of permeability and longer time of concentration. With the construction of buildings, parking lots, etc., permeability and the time of concentration are significantly decreased, resulting in an increase in both the rate and volume of runoff. (Ord. No. 1029, 8-28-03)

SECTION 530.020: STORM WATER COLLECTION DESIGN

- A. *Generally.* Systems shall be designed to protect against flooding of property of all classes and maintain the required level of service for public facilities. Storm sewer systems shall be designed as a coordinated unit and may include any or all of the following elements:
 - 1. Enclosed storm sewers and appurtenances.
 - 2. Open channels.
 - 3. Swales on property lines and/or back lot lines.
- B. *Streets And Enclosed Storm Sewers.* Enclosed storm sewers shall be used to collect and convey drainage on, across and through public street rights-of-way. Outfall drains shall extend at least sixty (60) feet to the rear of the front building line or twenty (20) feet past the back line of the structure, whichever is greater.
- C. *Open Channels.* Open channels are acceptable only to carry storm water runoff from tributary areas exceeding one hundred (100) acres or from smaller tributary areas otherwise requiring an enclosed storm sewer pipe forty-eight (48) inches in diameter or larger, except enclosed drainage structures shall be provided where open channels cross public right-of-way.
- D. *Side Ditches.* Side ditches are generally not acceptable and may be used to convey drainage along public right-of-way only in rural areas when designated by the City. Culverts and appurtenant drainage facilities shall be designed to permit their incorporation into a future

enclosed storm sewer system when possible. Side and rear property line ditches shall be by City approval only and shall be designed in accordance with Subsection (H).

E. *Ultimate Development.* Compute the estimated ultimate density and impervious surfaces of the area. Information may be obtained from the City Engineer's office of the Planning and Zoning Department.

1. *Intensity.* I is intensity of rainfall in inches per hour and shall be determined for the yearly frequency specified in Subsection (G) and as specified from the intensity duration curves attached to this criteria:
 - a. Ten (10) year (return period). Residential areas.
 - b. Twenty-five (25) year (return period). Commercial property, arterial street culverts and open channel slopes.
 - c. Fifty (50) year (return period). Critical areas, flood plains in commercial areas and natural flood plains in residential area.

F. *Street And Pipe Design Criteria.*

1. *Velocity.* Discharge velocity shall be controlled to prevent both erosion and siltation at and immediately downstream from the point of discharge. Energy dissipating structures shall be used if required.
2. *Inlets.* When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and basins shall be used to intercept flow at that point. All flow shall be picked up by an inlet, except as noted in Subsection (F)(8)--Inlets. Paved gutters may be used to intercept flow and drained to an approved outfall on approval of the engineer.
3. *Maximum depth.* Drainage water must not exceed the depth of curb at any intersection.
4. *Coefficients of friction.*

The coefficients of friction allowed for the various kinds of pipe are as follows:

Portland Cement Concrete	N=0.013
Corrugated Metal	N=0.023
Corrugated Metal with Paved Invert	N=0.021
Smooth Flow Corrugated Metal	N=0.013
Vitrified Clay Pipe	N=0.013
Asbestos Cement	N=0.012

5. *Pipe sizing.*

Manning Formula. Pipe sizes in integrated underground systems will normally be determined in accordance with the Manning Formula, $V = 1.49 / N \cdot R^{2/3} \cdot S^{1/2}$.

Minimum pipe size. The minimum size storm sewer shall be one (1) inch in diameter except under roadways where fifteen (15) inches shall be a minimum.

Velocity. All storm drainage systems shall be designed so as to maintain a minimum velocity of flow of three (3) feet per second and a maximum velocity of fifteen (15) feet per second when flowing full.

6. *Location.* Storm drainage lines shall generally be located in the parkway area and shall be placed as shown on the approved submitted plans.
7. *Depth.* All storm drainage lines shall have a minimum cover of eighteen (18) inches where practical. Cover may be decreased to avoid conflicts or on short laterals. Special bedding or protection shall be required where cover is decreased below eighteen (18) inches.
8. *Inlets.*
 - a. *Location.* Provide inlets to maintain a reasonable level of vehicular and pedestrian traffic service.
 - b. *General.* Contain all flow within street curbs during the following design storms.
 - c. *Arterial streets.* Limit gutter flow width to prevent encroachment on the center twenty-four (24) feet of street during runoff occurring at sixty-three percent (63%) of

peak design rates of 10-year storms or fifty-five percent (55%) of peak design rates of 25-year storms.

G. *Open Channels.*

1. *General.* Open channels shall be sized to carry design rates of flow without significant damage or erosion to the channel. Channels shall be fenced, sloped or otherwise protected to prevent injury to the public.
2. *Connections.* Pipe culverts, box culverts and other structures entering channels shall not project into the normal waterway area.
3. *Velocity.* Channel design shall include lining or treatment of the invert and sides as required to minimize erosion in accordance with the following table:

<u>Mean Flow Velocity</u>	<u>Type of Lining</u>
3 F.P.S. and less	Seeded
3--8 F.P.S	Sod
8--15 F.P.S.	Riprap or Concrete
Overt 15 F.P.S.	Concrete paved

Lining materials having equivalent erosion control properties to those shown in the foregoing table may be used in lieu thereof.

4. *Capacity.* Open channels shall be sized to carry design flow rates with one (1) foot of freeboard.
5. *Sections.* Channel sections shall be compatible with the type of lining and maintenance practice to be used. Side slopes shall not be steeper than two (2) horizontal to one (1) vertical. Channels lined with sod, grass or other vegetative ground cover and having slopes steeper than three (3) horizontal to one (1) vertical are not readily susceptible to mowing. Friction factors used in design shall consider type of lining.
6. *Natural channels.* Natural channels of adequate capacity and having stable banks and invert may be used without modification.

H. *Side Ditches.* Side and rear property line ditches in residential developments may be used only as follows:

For grass lined ditches:

Maximum velocity--Three (3) feet per second

Maximum volume--Three (3) cubic feet per second

Maximum water depth--Six (6) inches

Enclosed storm sewer requirements may be waived by the City on request.

For ditches with a concrete lined invert:

Maximum velocity--Five (5) FPS

Maximum water depth--One (1) foot

For ditches which are totally concrete lined:

Maximum velocity--Twelve (12) feet per second

Maximum water depth--One (1) foot

I. *Design Details.*

1. *Plan.* The plan view of all storm sewer details shall indicate the proper location of the storm sewer, appurtenances, size of line, capacity and other details relating to the storm drainage system. The plan shall show sufficient detail to include exact locations, proper ties into existing permanent reference points, property angles and distances from other utilities to be placed or presently in the street right-of-way. Easements shall be a minimum of fourteen (14) feet for enclosed structures and twenty (20) feet for open paved channels where they cross private property or as designated by the City Engineer.
2. *Profile.* The profile of all storm sewers shall show the necessary slope, existing and proposed street grades, locations of angles and appurtenances, and proper elevations for existing outfall ditches. The profile shall indicate the size of line and the capacity of each line as determined by the design engineer. The total area draining to each basin and the

Q that will be required to be dissipated at that point shall also be indicated on either plan or profile. (Ord. No. 1029, 8-28-03)

SECTION 530.030: STORM WATER DETENTION PLANS

When required by the City, a complete set of storm water detention plans and calculations shall be provided for new developments which increase storm water runoff, quantity or velocity.

1. *Method of evaluation.* Differential runoff evaluation consists of the determination of the rates of runoff before and after development, determination of required volume of detention and verification of adequacy of discharge and control structures. The 50-year (frequency) runoff coefficients shall be used. Differential runoff rates shall be evaluated by equation:

$$R = \left(\frac{C_d}{50} \times I \right) - \left(\frac{C_u}{50} \times I \right) \quad \text{Where:}$$

I = Intensity of 50-year storm
50

"C" values shall be determined from the following table:

Runoff Coefficients

	<u>"C" Value</u>	<u>Surface Conditions</u>
	.10	Tall grass, brush
(1)	.20	Park, golf courses, farms, and one
		acre single-family residences
not	.35	Single-family residences on lots of
		less than fifteen thousand (15,000)
square feet		
	.45	Single-family residences on lots of
not less		than ten thousand (10,000) square
feet		
	.47	Single-family residences on lots of
not less		than seven thousand five hundred
(7,500) square feet		
	.51	Single-family residences on lots of
not less than		six thousand (6,000) square feet
	.90	Graves surfaces
	.95	Asphalt and concrete surfaces
	1.00	Buildings and other structures

Use the Chart included as Page A-7 to find time of concentration (t) then use Chart included as Page A-6 to determine intensity (I). A five (5) minute time of concentration is the minimum permitted.

2. *Volume of detention.*

Total volume of detention shall be computed by the equation:

$$V = R \times A \times t_c \text{ (min.)} \times 60 \text{ (sec./min.)}$$

V=Total volume of detention (cu. ft.)

R=Differential Runoff Rate

A=Area of project in acres

t_c=Time of concentration as determined for use with differential runoff rates

NOTE: Sites larger than twenty (20) acres may use alternate formulas upon approval of the City Engineer. Detention for any revised, upgraded or changed site shall be designed assuming the site was undeveloped.

3. *Method of detention.* The following conditions and limitations shall be observed in the selection and use of method of detention.
 - a. *General location.* Detention facilities shall be located within the parcel limits of the project under consideration with the following exceptions:
 - (1) No detention or ponding will be permitted within public road rights-of-way without specific written approval of the City Engineer and State authority, if applicable.
 - (2) Location of detention facilities immediately downstream of the project will be considered by special request if proper documentation is submitted with reference to practicality, feasibility, proof of ownership or right-of-use of the area proposed, and provisions are made for perpetual maintenance.
 - b. *Dry reservoirs.* Wet weather ponds or dry reservoirs shall be designed with proper safety, stability and ease of maintenance feature and should completely drain soon after the end of the storm.
 - c. *Open channels.*
 - (1) Normally permitted open channels may be used as detention. No ponding will be permitted within public rights-of-way without specific written approval of the City Engineer. Maximum depth of detention in open channels shall be four (4) feet. Minimum flow line grade shall be one-half percent (0.5%).
 - (2) The entire reservoir area of the open channel shall be seeded, fertilized and mulched, sodded or paved.
 - (3) The hydraulic elevations resulting from channel detention shall not effect adversely adjoining properties.
 - d. *Permanent lakes.*
 - (1) Permanent lakes with fluctuating volume controls may be used as detention areas.
 - (2) Maximum fluctuation from permanent pool elevation to maximum ponding elevation shall be three (3) feet.
 - (3) Special consideration is suggested to safety and limiting accessibility of small children in design of permanent lakes in residential area.
 - (4) The entire fluctuating area of the permanent reservoir shall be seeded and fertilized and mulched, or sodded or concrete paved. Any area susceptible to or designed as overflow shall be paved with concrete.
 - e. *Parking lots.*
 - (1) Detention will not be permitted in primary parking lots. A primary parking lot will be considered to be the most accessible eighty percent (80%) of total parking for a facility.
 - (2) In non-primary parking lots, detention will be permitted to a maximum depth of twelve (12) inches and designed to self drain soon after the storm.
 - (3) When detention is being effected on parking lots by means of retaining walls or curbs, these retaining walls and curbs must be constructed of reinforced concrete.
 - (4) *Other methods.* Other methods of detention such as seepage pits, french drains, etc., will not be approved.
4. *Verification of adequacy.*
 - a. Analysis of all elements of design is always performed by the engineer. The following outline is provided to ascertain that certain critical elements of design are in workable compliance to the aims of design.
 - (1) Volume of detention for the total project,
 - (2) Tributary (Q) peak runoff to basin,

- (3) Sizing of detention dikes,
- (4) Safety features,
- (5) Maintenance features.
- b. Runoff calculations shall be submitted in legible tabulated form. Proof of adequacy of the volume of detention and sizing computation for low-flow structure shall also be submitted. Features of stability and safety will also need to be documented if the scope of the project requires special attention in the area of design.
- c. Spot elevations shall be included in sufficient detail on the site plan so that the final direction of water flow can be determined, and so that the volume of detention can be ascertained.
- 5. *Control structures.*
 - a. Detention facilities shall be provided with obvious and effective outlet control structures. These outlet structures may include v-notch weirs or rectangular weirs, as well as pipe. Plan view and sections of the structure with adequate detail shall be included in plans.
 - b. The design-discharge (Q) for the low-flow outlet shall not exceed the existing runoff for the 1-year storm. The maximum discharge shall be designed to take place under total anticipated design-head conditions.
 - c. Low-flow pipes shall not be smaller than four (4) inches in diameter to minimize maintenance and operating problems, except in parking lot and roof detention where minimum size and configuration of opening shall be designed specifically for each condition. The low-flow pipe shall be provided with a bar-screen on a minimum 2:1 slope to reduce blockage by debris.
 - d. Overflow spillways will be required on all detention facilities which have storage volumes of one thousand (1,000) or more cubic feet.
 - e. The overflow opening or spillway shall be designed so that the combination flow of the low-flow outlet and flow over the spillway will not exceed the total peak runoff for the improved area. The total peak runoff is to be determined from a 50-year frequency rain.
 - f. The overflow spillway shall exit into a natural or improved drainageway. If the drainageway does not provide for public access, then topographic detail along with a profile of the centerline of the drainageway shall be provided from the overflow spillway to the point of public access. This detail shall show all topography within ten (10) feet of the centerline of the drainageway, centerline profile, typical cross section, and capacity of the drainageway.
 - g. If the capacity of the existing drainageway is inadequate to carry the total peak runoff, necessary improvements to the drainageway may be required to provide for the total peak runoff.
- 6. *Easement.* Two (2) types of easements shall be provided for storm water detention.
 - a. *Access easement.* All detention reservoirs with the exception of parking lot and roof detention shall be enclosed by an access easement. The limits of the easement shall extend ten (10) feet beyond the maximum anticipated ponding area. The limits and designation of detention facilities shall be shown on the project plans of final plat.
 - b. *Drainage easement.* A minimum ten (10) feet wide drainage easement shall be provided within the reservoir area, connecting the tributary pipes and the discharge system, along the most direct possible routing of a piping system for possible future elimination of detention. The limits of the drainage easement shall be shown on the project plans of final plat.
- 7. *Maintenance.*
 - a. Detention facilities are to be built in conjunction with the storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they

- must be fully operational soon after the clearing of the vegetation. Silt and debris connected with early construction shall be removed periodically from the detention area and control structure in order to maintain full storage capacity.
- b. The responsibility of maintenance of the detention facilities in commercial and industrial development projects shall remain with the general contractor until final inspection of the development is performed and approved and a legal occupancy permit is issued. After legal occupancy of the project, the maintenance of detention facilities shall be vested with the owner of the project or property.
 - c. The responsibility of maintenance of the detention facilities for multi-family development projects where the detention facilities are located on the site of the multi-family units shall remain with the general contractor until final inspection of the development is performed and approved and a legal occupancy permit is issued. After legal occupancy of the project, the maintenance of detention facilities shall be vested with the owner of the project or property.
 - d. The responsibility of maintenance of the detention facilities for multi-family development projects and single-family development projects where the detention facility is located on private property within a subdivision shall be maintained by the developer of the subdivision, the trustees, or property owner of the subdivision, whichever is applicable.
 - e. If the trustees or owner fail to provide a reasonable degree of maintenance and the facilities become inoperative or ineffective, and after written notice that the facilities have become inoperative or ineffective from the City Engineer and the trustees or owner fail to take action to remedy the situation within the time stated in the notice, Marshfield public works crews may perform remedial work and assess the trustees or owner for the cost of repair and maintenance.
8. *Off-site detention concepts.* Storm water detention facilities designed and constructed off-site outside the limits of the proposed development will be considered for approval. This approval is contingent upon documentation being furnished to verify that drainage easements have been obtained for the channel area from the proposed development to the detention facility and including the detention area. The drainage easements must clearly set out provisions for maintenance. (Ord. No. 1029, 8-28-03)

SECTION 530.040: STORM WATER DETENTION BUYOUT

- A. At the discretion of the City, payment for increased storm water runoff may be required in lieu of on-site detention facilities required in Section 530.030.
- B. Criteria used to consider buyout will be as follows:
 - 1. Development size and location.
 - 2. Direction of storm water runoff and affects on neighboring properties.
 - 3. Suitability of the site for detention facilities.
 - 4. Plans for regional storm water facilities in the watershed.
- C. Payment shall be on the basis of the square footage of constructed impervious (non-absorbent) surfaces such as buildings, parking lots and driveways but shall not include any improvement built on a public right-of-way. No credit will be given for existing development except as previously paid for under this specification.
- D. Payment shall be made at the rate of ten cents (\$0.10) per square foot of impervious surface constructed. Payment for gravel and rock surfaces shall be made at the rate of five cents (\$0.05) per square foot. (Ord. No. 1029, 8-28-03)

CHAPTER 535: STORAGE CONTAINERS

SECTION 535.010: DEFINITIONS

For purposes of this Chapter, the following terms shall have the following definitions:

STORAGE CONTAINER: A container which is capable of use for shipping goods or materials by rail, air, sea or over the road and which may be used on a lot for storage. The term "storage container" shall not include a trailer as defined herein.

TRAILER: A container permanently mounted on wheels that was or may be used for storage, regardless of whether or not it is currently licensed for hauling or moving materials on the road, regardless of whether or not a tractor or other device for pulling same is present on the lot whether the trailer is located. (Ord. No. 1340 §1, 7-10-08)

SECTION 535.020: AUTHORIZED USE OF STORAGE CONTAINERS

- A. It shall be unlawful for any person to allow, place or maintain or use a storage container on any property except in compliance with this Section.
- B. *Residential Districts.*
 - 1. Storage containers shall be allowed for the purpose of their loading and/or unloading for a period not to exceed fourteen (14) days.
 - 2. Notwithstanding the foregoing, storage containers shall be allowed for a period in excess of fourteen (14) days in the following circumstances:
 - a. If the storage container is used in connection with the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of a residence which is being remodeled; provided however, that storage containers shall not be allowed prior to the issuance of a building permit and shall be removed within three (3) days of the issuance of an occupancy permit.
 - b. If the storage container is used in connection with the storage of personal property of the owner or tenant of a residence which has been destroyed or suffered substantial casualty due to natural disaster. In such event, a storage container shall be allowed for a period not to exceed one hundred eighty (180) days and, if necessary, shall automatically renew for an additional one hundred eighty (180) days if the property owner has secured all necessary permits and approvals for the construction, reconstruction or repair of the premises.
 - 3. Storage containers shall not have any utility connected thereto, temporary or permanent.
- C. *Business Districts.*
 - 1. Storage containers shall be allowed for storage purposes only.
 - 2. Storage containers may not be utilized as the principal use of the business premises.
 - 3. Storage containers shall not have any utility connected thereto, temporary or permanent; provided however, utilities may be connected to a storage container serving as a temporary office for the administration, supervision and/or oversight of a construction project for a period not to exceed two hundred seventy (270) days.
 - 4. Storage containers shall not occupy any part of required setbacks, fire lanes, easements or rights-of-way.
 - 5. Storage containers shall not occupy more than thirty percent (30%) of the square footage of the permanent floor area of the business or one thousand five hundred (1,500) square feet, whichever is less; provided however, in any event no more than five (5) storage containers shall be allowed per property.
- D. *Industrial And Industrial Park Districts.*
 - 1. Any retail or wholesale use in an industrial or industrial park district shall conform to the requirements for business districts set forth in Subsection (C) of this Section.

2. Storage containers shall be allowed for storage purposes only.
 3. Storage containers may not be utilized as the principal use of the business premises.
 4. Storage containers shall not have any utility connected thereto, temporary or permanent; provided however, utilities may be connected to a storage container serving as a temporary office for the administration, supervision and/or oversight of a construction project for a period not to exceed two hundred seventy (270) days.
 5. Storage containers shall not occupy any part of required setbacks, fire lanes, easements or rights-of-way.
 6. Up to twenty (20) storage containers, occupying a total square footage of not more than five percent (5%) of the square footage of the permanent floor area of the primary structure, shall be allowed for each property.
- E. All storage containers shall be maintained in an orderly fashion and shall conform to the requirements and regulations of the International Property Maintenance Code as adopted by the City. (Ord. No. 1340 §1, 7-10-08)

SECTION 535.030: PERMIT REQUIRED

- A. No person shall place, maintain or use a storage container on any property without having first been issued a permit by the Building Inspector; provided however, that the use and placement of a storage container for the storage of property of the owner or tenant of a building which has been destroyed or suffered substantial casualty due to a natural disaster may be allowed prior to the issuance of a permit, provided that a permit is obtained within five (5) days of such destruction or casualty.
- B. Permits for storage containers located upon property in a business, industrial or industrial park zoned district shall be effective for three hundred sixty-five (365) days.
- C. An application for a permit shall be made by the owner of the property, a person in control of the property, a tenant or a person operating a business on the property where the storage container will be located.
 1. The application shall be in writing, signed and sworn to by the applicant. It shall be unlawful for any person to make a false statement in any application.
 2. If the storage container is not owned by the applicant, the application shall state the name, address and phone number of the owner of the storage container.
 3. The applicant shall provide access to such property for the purpose of making the inspections necessary to ensure compliance with this Chapter.
 4. The Building Inspector shall have the authority to establish rules for processing applications and to require the applicant to submit information that the Building Inspector determines is needed to process the application.
- D. As a condition of issuance of a permit, the Building Inspector shall require the applicant to agree, on a form prepared by the Building Inspector, that the Building Inspector or his or her designated representative may search the storage container if necessary to determine compliance with the provisions of this Chapter.
- E. The applicant shall submit with each application a fee of fifteen dollars (\$15.00) per container. (Ord. No. 1340 §1, 7-10-08)

SECTION 535.040: PENALTIES FOR VIOLATIONS

- A. Each day that a storage container is in violation of this Chapter is a continuing violation, punishable by a fine up to fifty dollars (\$50.00) per day per storage container for each day this Chapter is violated.
- B. Any person who fails to obtain a permit before a storage container is located on the property and thereafter applies for a permit shall pay an additional fifteen dollar (\$15.00) application fee per

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010: DEFINITIONS

When used in this Chapter, the following words shall have the following meanings:

AMUSEMENT PLACE: Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least two thousand five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales.

CLOSED PLACE: A place where all doors are locked and where no patrons are in the place or about the premises.

INTOXICATING LIQUOR: Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume, except for non-intoxicating beer as defined herein. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

LIGHT WINES: An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

MALT LIQUOR: An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops, or pure barley malt, or wholesome grains or cereals, and wholesome yeast, and pure water.

NON-INTOXICATING BEER: Any beer manufactured from pure hops or pure extract of hops, and pure barley malt, or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

ORIGINAL PACKAGE: Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor or non-intoxicating beer, where the package and/or container(s) describes the contents thereof as intoxicating liquor or non-intoxicating beer. "Original package" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

PERSON: An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator or any other officer appointed by any State or Federal court.

RESORT: Any establishment having at least thirty (30) rooms for the overnight accommodation

of transient guests having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

RESTAURANT BAR: Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

SECTION 600.015: SALE BY THE DRINK DEFINED

The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "*sale by the drink*" and may be made only by a holder of a retail liquor dealer's license and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

SECTION 600.020: LICENSE REQUIRED -- CLASSES OF LICENSES

- A. No person shall sell or offer for sale intoxicating liquor or non-intoxicating beer in the City of Marshfield without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer:
 - 1. *Package liquor--malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold.
 - 2. *Package liquor--non-intoxicating beer:* Sales of non-intoxicating beer at retail in the original package not for consumption on the premises where sold.
 - 3. *Package liquor--all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (2) of this Section.
 - 4. *Liquor by the drink--malt liquor/light wine only (restaurant bar only):* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (5) of this Section.
 - 5. *Liquor by the drink--non-intoxicating beer (restaurant bar only):* Sales of non-intoxicating beer at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection (B)(2) of this Section.
 - 6. *Liquor by the drink--all kinds (restaurant bar only):* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(3) of this Section.
- C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise

possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 9:00 A.M. and Midnight:

1. *Package liquor--all kinds:* Sales of liquor of all kinds in the original package at retail not for consumption on the premises where sold.
2. *Liquor by the drink--restaurant bar:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
3. *Liquor by the drink--amusement place:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
4. *Liquor by the drink--place of entertainment:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
5. *Liquor by the drink--common eating and drinking area:* Sales of liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.

D. Permits.

1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(C) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(3) and (C) of this Section, above, may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption. (Ord. No. 1050 §1, 1-8-04)

SECTION 600.030: LICENSE REGULATIONS

- A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.
- B. *Newly-Opened Restaurant Bars Or Amusement Places.*
1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
 2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday

for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

C. Temporary Permit For Sale By Drink--Certain Organizations.

1. The City Clerk may issue a permit for the sale of intoxicating liquor and non-intoxicating beer for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. Operating Hours, Days.

1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away or permit the consumption of any intoxicating liquor or non-intoxicating beer in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday upon or about his/her premises, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor or non-intoxicating beer by the drink shall keep a closed place during the aforementioned prohibited times.
2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. General License Regulations.

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws

from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.

4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

F. *Druggists May Sell And Physicians Prescribe Liquor.* Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State, and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package, but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided. (Ord. No. 1051 §1, 1-8-04; Ord. No. 1052 §1, 1-8-04)

SECTION 600.040: SCHEDULE OF LICENSE FEES

The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:

1. *General licenses.*
 - a. Malt liquor--original package \$ 22.50
 - b. Non-intoxicating beer--original package 22.50
 - c. Intoxicating liquor (all kinds)--original package 150.00
 - d. Malt liquor and light wines--by drink (restaurant bar) 52.50
 - e. Non-intoxicating beer--by drink (restaurant bar) 37.50
 - f. Intoxicating liquor (all kinds)--by drink (restaurant bar) 450.00
2. *Sunday sales.* (Additional fees)
 - a. Intoxicating liquor--original package 300.00
 - b. Restaurant bars 300.00
 - c. Amusement places 300.00
 - d. Liquor by the drink--charitable organizations 300.00
3. *Permits.*
 - a. Temporary permit--by the drink for certain organizations (7 days max.) 37.50
 - b. Tasting permit 37.50

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

SECTION 600.050: APPLICATION FOR LICENSE AND RENEWAL

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee

made payable to the City.

- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business and, if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Aldermen also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.
- C. *Hearing On Application.* Upon the filing of the application with the Clerk, the Clerk shall fix a date for a hearing before the Board not more than thirty-one (31) days from the date of filing of the application and shall give the applicant written notice of the date of the hearing. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.
1. The Board shall consider the location of the proposed business for which a license is sought with respect to its proximity to a school, a church, a public park or playground and to other places of the character for which a license is sought and shall have authority to refuse to issue a license when in their judgment the issuance thereof would not be in the best interests of the locality in which the applicant applies for a location of such place. In no event shall the Board approve the issuance of a license for the sale of liquor within three hundred (300) feet of any school, or fifty (50) feet of a church or other building regularly used as a place of worship unless the applicant for the license shall first obtain the consent in writing of the board of directors of the school, or the consent in writing of the majority of the managing board of the church or place of worship; except that when a school, church or place of worship shall thereafter be established within said distance of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for lack of consent in writing as herein provided.
 2. The Board shall approve the application if after the hearing it finds that:
 - a. Issuance of the requested license would be in the best interests of the locality of the proposed business;
 - b. The applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the City;
 - c. No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;
 - d. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;
 - e. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the City and the provisions

of this Chapter.

- D. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- E. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in Subsection (D) of this Section.

SECTION 600.060: MINORS

- A. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.*
 - 1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.
 - 2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
 - 3. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.
- B. *Sales To Minor--Exceptions.* No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.
- C. *Misrepresentation Of Age By Minor To Obtain Liquor--Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*
 - 1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
 - 2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle

operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

- D. *Minors In Possession Of Intoxicating Liquor, Non-Intoxicating Beer.* Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor or non-intoxicating beer as defined in Section 600.010 is in violation of this Section. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor or non-intoxicating beer therein need not be opened or the contents therein tested to verify that there is intoxicating liquor or non-intoxicating beer in such container. The alleged violator may allege that there was no intoxicating liquor or non-intoxicating beer in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor or any non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer.

Cross reference--As to possession in city parks, §210.575.

SECTION 600.070: MISCELLANEOUS OFFENSES

- A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.
- C. *Unlawful To Sell Unlabeled Liquor--Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.
- D. *Only Those Liquors Authorized By License To Be Kept On Premises.* It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.
- E. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor or non-intoxicating beer, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.
- F. *Drinking In Public Places Prohibited.*
1. For purposes of this Section, the term "*public place*" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.
 2. No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.
 3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.
- G. *Live Entertainment On Premises Prohibited.* No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered entertainment

under this Section.

SECTION 600.080: ADMINISTRATION OF LAW -- LICENSE SUSPENSION

- A. *Suspension Or Revocation Of License--When--Manner.* The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.
- B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:
1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the City;
 2. Failing to obtain or keep a license from the State Supervisor of Liquor Control;
 3. Making a false affidavit in an application for a license under this Chapter;
 4. Failing to keep an orderly place or house;
 5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
 6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
 7. Selling, giving, or otherwise supplying intoxicating liquor to:
 - a. Any person under the age of twenty-one (21) years,
 - b. Any person during unauthorized hours on the licensed premises,
 - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
 - d. Any person on the licensed premises during a term of suspension as ordered by the Board.
- C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 or Chapter 312, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.
- D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor or non-intoxicating beer during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 600.090: HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES

- A. *Testimony--Evidence.* Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken

in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.

- B. *Witnesses--How Summoned.* Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.
- D. *Decision--Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.080 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within ten (10) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

SECTION 600.100: WARNING SIGN DISPLAYED -- LIQUOR LICENSES

- A. Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects." The licensee shall display such sign in a conspicuous place on the licensed premises.
- B. Any employee of the Supervisor of Liquor Control may report a violation of this Section to the Supervisor, and the Supervisor shall issue a warning to the licensee of the violation.

SECTION 600.110: PLACE OF SALE -- RESTRICTED

- A. No license shall be granted for the sale of intoxicating liquor or malt liquor within three hundred (300) feet of any school, nor within fifty (50) feet of any church or other building regularly used as a place of religious worship.
- B. No license shall be granted for the sale of intoxicating liquor or malt liquor to any applicant whose place of business is located in a dwelling. (Ord. No. 36 §§25-26, 8-11-53; Ord. No. 940 §1, 2-8-01)

SECTION 600.120: NO LICENSE ISSUED TO PERSONS WITH DELINQUENT TAXES

No license shall be issued to any person under the provisions of this Chapter whose taxes, either City or County, are delinquent or are in arrears. (Ord. No. 36 §28, 8-11-53)

SECTION 600.130: SALOONS

Nothing in this Chapter shall be so construed as to authorize the sale of intoxicating liquor in the original package or malt liquor for consumption on the premises where sold, in a place commonly known as a "Saloon", and no license shall be issued by the Board of Aldermen for the sale of intoxicating liquor and/or malt liquor in a place commonly known as a "Saloon", nor in

any building or room where there are blinds, screens, swinging doors, curtains or any other thing in such building or room that will obstruct or obscure the interior of such room from public view. (Ord. No. 36 §31, 8-11-53)

SECTION 600.140: PENALTIES

Any person violating any of the provisions of this Chapter shall upon conviction be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

CHAPTER 603: ADULT BUSINESS LICENSE

SECTION 603.010: CREATED

That a new category of City Business License is created known as an "Adult Business". (Ord. No. 1014 §1, 3-27-03)

SECTION 603.020: DEFINITIONS

The following definitions shall apply to the licensing and regulation of adult businesses:

ADULT BOOKSTORE: A commercial use having more than ten percent (10%) of its floor area or stock-in-trade, books, photographs, pictures, magazines, and other periodicals or materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT BUSINESS: A business that involves any one (1) or more of the following:

1. Adult book store.
2. Adult store.
3. Adult motion picture theater.
4. Adult cabaret.
5. Adult entertainment.
6. Specified sexual activities.
7. Specified anatomical areas.

ADULT CABARET: A commercial use that involves one (1) or more of the following:

1. Dancers, go-go dancers, exotic dancers, male or female impersonators or similar entertainers or any live entertainment and which excludes minors or from which minors are prohibited by Statute or ordinance, and whether or not any such business is licensed to sell alcoholic beverages.
2. A nightclub, bar, restaurant, or similar use which regularly features:
 - a. A person or persons in a state of nudity; or
 - b. Live performances which are characterized by the exposure of specified anatomical areas, or by specified sexual activities, including topless or bottomless dancers, exotic dancers or strippers; or
 - c. Films, motion pictures, video cassettes or tapes, slides, cd roms, dvds, internet or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT: A commercial use that involves one (1) or more of the following:

1. Any building, use or part thereof in which is provided services of which a principal feature or characteristics is the nudity or partial nudity of any person.
2. Any premises or part thereof in which is provided, in pursuance of a trade, calling,

business or occupation, goods, including books, magazines, pictures, slides, film, phonograph records, prerecorded magnetic tape, cd rom, dvd, internet and other reading, viewing and encounters, the principal feature of which is the nudity or partial nudity of any person, or in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture symbol or representation having like meaning or implication is used in any advertisements.

3. Any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.
4. Adult cabaret or adult motion picture theater.

ADULT MOTION PICTURE THEATER: A commercial use which shall be in an enclosed building and which presents motion picture films, video cassettes, television, cd rom, dvd, internet, or any other such visual media distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as hereinafter defined for observation by patrons therein.

ADULT STORE: A commercial use which has devoted more than ten percent (10%) of its floor area or stock-in-trade to the sale, rental or any form of consideration of any one (1) or more of the following: books, magazines, periodicals or other printed matter, photograph, films, motion pictures, video cassettes, video tapes, cd roms, dvds, internet or other visual representations which depict or describe specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia which depicts specific anatomical areas or are designed for use in connection with specific sexual activity.

SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the areola and human male genitals in a discernibly erect state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts. (Ord. No. 1014 §2, 3-27-03)

SECTION 603.030: LICENSES AND FEES

The following license fees are hereby enacted:

Adult business license fee	\$1,000.00 per year
Adult business/entertainment operator license fee	\$500.00 per year
Adult entertainment license fee	\$500.00 per year
Adult entertainer/server license fee	\$250.00 per year

(Ord. No. 1014 §3, 3-27-03)

SECTION 603.040: LICENSING REQUIREMENTS

Any person wishing to obtain an adult business license, adult business/entertainment operator's license, or adult entertainment license shall submit a business license application to the City Clerk. (Ord. No. 1014 §4, 3-27-03)

SECTION 603.050: LICENSING INELIGIBILITY -- DISQUALIFICATION

Adult business licenses, adult entertainment licenses, adult business/entertainment operator license, or adult entertainer/server's license shall not be issued for:

1. Businesses in conflict with the Zoning Ordinance, Building Code, or any other requirements of the City.
2. An applicant which has had an adult entertainment license revoked or suspended in this

- City or any other City during the past five (5) years.
3. An adult business operator license for when intended to be used for operating an unlicensed adult entertainment or adult business.
 4. Any applicant that has been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two (2) years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.
 5. Any applicant providing false statements, fraudulent or untruthful information on the application. (Ord. No. 1014 §5, 3-27-03)

SECTION 603.060: STANDARD OF CONDUCT

The following standards of conduct shall apply to this category of business license:

1. *Certain acts prohibited.*
 - a. No employee, server or entertainer of an adult business shall perform any specified sexual activities, wear or use any device or covering exposed to view which stimulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities as defined herein, or participate in any act of prostitution.
 - b. No employee, server or entertainer or patron of an adult business shall knowingly touch, fondle or caress any specified anatomical area of another person or knowingly permit another person to touch, fondle or caress any specified anatomical area of such employee, server, entertainer or patron, whether such specified anatomical areas are clothed, unclothed or exposed.
2. *Operators.* No owner, operator, manager, or other person in charge of an adult business shall:
 - a. Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon or consumed on the premises, unless a separate liquor license has been issued for the business; or
 - b. Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises; or
 - c. Knowingly allow or permit any person under the age of eighteen (18) years of age to be in or upon the premises; or
 - d. Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or
 - e. Knowingly allow or permit a violation of any local, State or Federal law on the premises. (Ord. No. 1014 §6, 3-27-03)

SECTION 603.070: CONDITIONS AND RESTRICTIONS

- A. *Safeguards Against Public Display.* Any anteroom, foyer, partition or other physical barrier shall be provided on all customer entrances of any building used for adult business that will insure observation of the interior is obscured from viewing from the exterior of the building. Windows shall obscure any view into the interior of the building from the exterior. No adult business shall be conducted on the exterior or in a manner that permits the observation of live performances or media on the exterior.
- B. *Closed Booth Or Room Prohibited.* The interior of all adult entertainment businesses shall be physically arranged in a manner that the entire portions of any booths, cubicles, rooms or stalls are visible from the common area. Only restrooms, dressing rooms, office and storage rooms may be enclosed. Visibility shall not be blocked or obscured by doors, curtains, drapes or any

other obstruction.

- C. *Ventilation And Sanitation Requirements.* Buildings where adult businesses are located shall be kept in a safe, sanitary condition. Separate dressing rooms and restrooms for men and women shall be provided and maintained in a sanitary condition in accordance with all local, State and Federal requirements.
- D. *Hours Of Operation.* No adult entertainment business may be open or in use between the hours of 1:30 A.M. and 9:00 A.M. On any day other than Sunday, when the business may not be open between the hours of 1:30 A.M. and 12:00 Noon.
- E. *Lighting Required.* The building and exterior of all adult business shall be equipped with adequate lighting to illuminate every place in which customers are permitted access at any time the building is occupied by customers.
- F. *Operators On Premises.* A licensed adult business/entertainment operator shall be on duty at any adult entertainment business at all times the business is open. The name of the manager shall be conspicuously posted at the business. It shall be the responsibility of the operator to verify that any person who provides adult entertainment or works as a server within the premises possesses a current a valid adult entertainer's license or an adult entertainment server's license and that such licenses are conspicuously posted.
- G. *Notice Required.* All adult entertainment businesses shall have conspicuously displayed inside the main entrance of the building a sign, on which uppercase letters shall be at least two (2) inches high, and lowercase letters shall be at least one (1) inch high, which shall read as follows:

THIS ADULT ENTERTAINMENT BUSINESS
IS REGULATED AND LICENSED
BY
THE CITY OF MARSHFIELD

No persons under the age of eighteen (18) are permitted

ENTERTAINERS ARE:

Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle or touch the breasts, pubic region, buttocks or genitals of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch their breasts, pubic region, buttocks or genitals.

CUSTOMERS ARE:

Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server or entertainer or engage in sexual conduct or solicitation for prostitution.

- H. *License On Display.* A copy of the license for any adult business shall be conspicuously posted at the business. (Ord. No. 1014 §7, 3-27-03)

SECTION 603.080: INSPECTION -- ENFORCEMENT

The Police Department shall be permitted to inspect said businesses and enforce the provisions of this Chapter as necessary to insure the business is complying with all applicable regulations and laws. (Ord. No. 1014 §8, 3-27-03)

SECTION 603.090: SUSPENSION -- REVOCATION -- DENIAL OF LICENSE

The license of any adult business not in compliance with this Chapter may be revoked, suspended or renewal may be denied up to five (5) years. Appeals of any suspension, revocation or denial may be made to the Board of Aldermen. (Ord. No. 1014 §9, 3-27-03)

CHAPTER 605: BUSINESS LICENSES

SECTION 605.010: TENT SHOWS -- CIRCUS, MENAGERIE, CARNIVAL, ETC.

Every person or persons who shall within the City of Marshfield set up or conduct any circus, menagerie, carnival or other tent show, shall pay to the City a license tax therefor as follows: For circus or menagerie the sum of fifty dollars (\$50.00) for each day; for a carnival or other collection of shows the sum of twenty dollars (\$20.00) for one (1) day showing and ten dollars (\$10.00) for each additional showing; for a stock company or vaudeville show the sum of five dollars (\$5.00) for each day showing; and all other shows the sum of ten dollars (\$10.00) for each day showing. (Ord. No. 40 §1, 7-13-54)

SECTION 605.020: OCCUPATIONAL LICENSES

Every person or persons, partnerships or corporation who shall within the City of Marshfield engage in, conduct or operate any of the businesses, endeavors, establishments or professions enumerated below shall pay to the City as a license tax therefor the sum of eighteen dollars (\$18.00) for each period of twelve (12) months:

1. Auctioneers.
2. Automobile agencies, dealers, public garages, automobile repair shops or a combination of such.
3. Bank or banking institution.
4. Dealer in automobile accessories.
5. Dray, transfer or any other vehicle for the transportation for hire or merchandise or any other property.
6. Drug store.
7. Dry goods store.
8. Express company and express agent.
9. Feed store.
10. Furniture store.
11. Gasoline filling station.
12. General notion store commonly known as a dime store.
13. Grocery store.
14. Hardware store.
15. Hotel.
16. Insurance agent or salesman.
17. Insurance companies.
18. Jitney, taxi or any other vehicle for the transportation of persons and/or baggage.
19. Kennels.
20. Light and power companies.
21. Loan agent by loaning monies of other persons, companies or corporations.
22. Lumber dealer.
23. Moving picture shows.
24. Photographer.
25. Plumber or dealer in plumbing supplies.
26. Public boarding house.
27. Real estate agent.
28. Restaurant, cafe, soda fountain or ice cream and soft drink stands or combination thereof, at which food or drink is served at tables.
29. Stockyards or sales barn where cattle, horses, sheep, hogs or other livestock are bought, sold, kept or fed, either by the owner or keeper of such stockyards or sales barn or by

- other persons.
30. Telegraph companies.
 31. Telephone companies.
 32. Wholesale business or any kind of manufacturing establishments. (Ord. No. 40 §2, 7-13-54; Ord. No. 1192 §1, 1-12-06)

SECTION 605.030: LICENSE TO AUTHORIZE BUSINESS SPECIFIED ONLY

Every license to set up, keep, conduct, operate or engage in any business, occupation or avocation, issued under the provisions of this Chapter, shall authorize the conducting of such business, or the keeping or selling of such goods and wares as is customary in the business, occupation or avocation for which such license was issued, and no other; any local custom to the contrary notwithstanding. (Ord. No. 40 §5, 7-13-54)

SECTION 605.040: LICENSES -- FORM -- NOT TRANSFERABLE

Every license required by this Chapter shall show upon its face for what business, occupation or avocation the same was issued, and shall be signed by the Mayor and City Clerk and countersigned by the City Collector, and shall have the Corporate Seal affixed thereto. No license issued under this Chapter shall be transferred or assigned and a separate license shall be required for each separate business or place of business. (Ord. No. 40 §6, 7-13-54)

SECTION 605.050: ISSUANCE AND TERM OF LICENSE

No license shall be issued under the provisions of this Chapter, unless the amount prescribed therefor, shall have been paid to the City Collector. Each year licenses shall expire on December thirty-first (31st). (Ord. No. 40 §7, 7-13-54)

CHAPTER 610: PEDDLERS

SECTION 610.010: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meaning indicated below:

MERCHANDISE: Any article or thing sold at any regularly established store or place of business in the City of Marshfield, including, among other things, apples, pears, oranges, lemons, grapefruit, bananas, fruit of any other kind, vegetable of any kind, nuts of any kind, meat and poultry.

PEDDLER: Any person or persons who sells, or offers for sale, at wholesale or retail, anything or article of merchandise for immediate delivery upon sale and who has no established place of business on private property within the City of Marshfield for which a merchant's license is required, but displays and sells, or offers for sale, upon the public streets, highways, alleys or sidewalks of the City of Marshfield the thing or article of merchandise which is being peddled. (Ord. No. 38 §§1--2, 12-8-53)

SECTION 610.020: PEDDLING -- WHERE

No person shall peddle or operate as a peddler, with or without a license, upon any street, highway, public square, alley, or sidewalk within the City of Marshfield and at no other place

public or private, in said City except upon that part of Lots Three (3) and Four (4) of Block Five (5) of Prospect Row of Blocks in the City of Marshfield which is owned by said City. (Ord. No. 38 §3, 12-8-53)

SECTION 610.030: PERMIT REQUIRED

No person shall peddle or operate as a peddler in the City of Marshfield without first obtaining a permit from the City Clerk for which there shall be paid to said Clerk for the use of said City the sum of eighteen dollars (\$18.00) per calendar year. (Ord. No. 38 §4, 12-8-53)

SECTION 610.040: PERMIT -- NON-TRANSFERABLE

No permit issued hereunder shall be assigned or transferred. (Ord. No. 38 §5, 12-8-53)

SECTION 610.050: FEE NOT TO APPLY TO FARMERS

The fee provided for in Section 610.030 shall not apply to any farmer, or producers, for the sale of produce raised by him, her or them, when sold from his, her or their wagon, cart or vehicle, or from any person or persons in the employ of such farmer or producer. (Ord. No. 38 §6, 12-8-53)

CHAPTER 615: PAWNBROKERS AND PAWN SHOP REGULATIONS

SECTION 615.010: DEFINITION

Any person within the City who loans monies on deposit of personal property, or deals in the purchase or possession of personal property on condition of selling the same back again to pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his/her possession is hereby declared to be a Pawnbroker.

SECTION 615.020: LICENSE REQUIRED

It shall be unlawful for any person to conduct or transact a pawnbroker business or pawn shop in the City without first having procured a City license therefore as hereinafter provided. The Board of Aldermen shall approve the issuance of all such licenses and shall have the power of revoking any such license for any violation of any provision of this Chapter.

SECTION 615.030: SECOND-HAND DEALERS

- A. No pawnbroker shall conduct the business of a second-hand dealer without having obtained the license required for such dealer in addition to his/her pawnbroker's license. A "*second-hand dealer*" is defined as engaging in business of buying and selling or trading second-hand merchandise.
- B. This Chapter is not to be construed as an ordinance regulating the business of a second-hand dealer.

SECTION 615.040: APPLICATION FOR LICENSE

- A. The application shall state the name of the person and in case of a firm or corporation, the names of all of the partners in such firm or of the directors, officers and stockholders of such corporation: Also, the place, street, and number where such business is to be carried on, and shall specify the amount of capital proposed to be used by the applicant in such business, and shall be signed by at least ten (10) citizens of the City, of good reputation, certifying to the good reputation and moral character of the applicant.
- B. The City Marshal/Chief of Police shall investigate each applicant for such license and shall report to the Board of Aldermen whether or not such applicant is a person of good moral character.
- C. No license shall be issued to a person who has been convicted of the offense of receiving stolen goods, burglary, or robbery.
- D. Applications for pawnbrokers license shall be made to the City Clerk.

SECTION 615.050: ISSUANCE OF LICENSE

- A. No such license shall be issued to any person, corporation, co-partnership, or association other than the real and actual proprietor of the business and place of business for which it is issued.
- B. No pawnbroker shall be allowed to own or operate more than one (1) place for transacting the business of a pawnbroker without having first obtained a license for each such place of business.

SECTION 615.060: INVESTIGATION BY CITY MARSHAL/CHIEF OF POLICE

All applications for pawnbrokers licenses shall be presented to the Board of Aldermen at a regular meeting thereof. No application shall be acted upon until a recommendation for or against the application is received from the City Marshal/Chief of Police, provided that the Board of Aldermen shall not be bound by the City Marshal/Chief of Police's recommendation.

SECTION 615.070: BOND

The applicant shall file with the application a bond running to the City, conditioned for the faithful observance of all provisions of this Chapter respecting pawnbrokers during the continuance of such license and any renewal thereof for not more than one (1) year. This bond shall be in the sum of five thousand dollars (\$5,000.00) with a corporate surety or two (2) or more individual sureties. To such bond shall be attached as justification to the effect that the sureties are residents within the County and each is worth the amount specified in such bond over and above all just debts and liabilities and exclusive of property exempt from execution.

SECTION 615.080: FEE

The annual fee for a pawnbroker's license shall be pursuant to Section 605.020 and this fee shall be payable in advance and no license shall be issued until the fee is paid.

SECTION 615.090: LICENSE REQUIREMENTS

The license issued under this Chapter shall state the name of the person to whom issued, the place of business, and street number where such business is located, and the amount of capital employed. Such license shall entitle the person receiving it to do business at the place designated in such license.

SECTION 615.100: NON-USE AND TRANSFER OF LICENSE

- A. If a pawnbroker shall not conduct said business for a period of ninety (90) days, the license shall be null and void. The pawnbroker's license shall not be transferable to any other person, except by a majority vote of the Board of Aldermen and the filing of an application and a new bond by the person to whom such license is, or may be, transferred or signed. It shall be unlawful for any person to do business or attempt to do business under a license transferred to him/her without such approval of the Board of Aldermen.
- B. In the event a pawnbroker shall change the address of any license shop, such pawnbroker shall apply to the Board of Aldermen for a new license, showing the new address of the shop prior to opening for business.

SECTION 615.110: POSTING

It shall be unlawful for any person to conduct or transact a pawnbroker business in the City unless he/she shall keep posted in a conspicuous place in the place of business the license certificate therefore and a copy of all ordinances relating to pawnbrokers.

SECTION 615.120: FORFEITURE OF PAWN

The pawnbroker shall retain in his/her possession every pledge or pawn for thirty (30) days after the maturity of the loan, or for thirty (30) days after the last payment of interest, or part of the principal, whichever is greater. If the pledgor shall fail or neglect for thirty (30) days after maturity of the loan or thirty (30) days after the last payment of interest or part of the principal, to redeem the pawned property, the pawnbroker may sell any such property held for redemption provided that such property shall have been held for redemption for a period of not less than one hundred fifty (150) days from the date of pledge. After a loan is in default, the pawnbroker may refuse to accept any payment less than the entire principal and interest due.

SECTION 615.130: PAWN TICKET TO BE FURNISHED

- A. Each pawnbroker shall furnish to the pledgor a printed receipt clearly showing the amount loaned with the specific detailed description of the pledged property pawned or received, date of receipt thereof, time for redemption and the name of the pledgee. The reverse side of said receipt shall be marked in such a manner that the amounts of principal and interest and any other charges paid by the person securing the loan can be clearly designated thereon. Each payment shall be entered upon the reverse side of said receipt and shall designate how much of the payment is being credited to principal, how much to interest, and how much to any other charge, with the date of said payment shown thereon. The pawnbrokers shall affix to each article or thing a tag upon which shall be inscribed a number, of legible characters, which shall correspond to the number on the pawn ticket and be entered in the book required to be kept by Section 615.190 hereof. The pawnbroker shall furnish all information required by law to be given to borrowers by State Law and Federal Law.
- B. The following information shall be printed on the front or back of each pawn ticket required to be given the pledgor.
 - In the event of failure to pay the loan within _____ days from the date hereof, or within _____ days after maturity, or within _____ days after payment of any monthly interest when due, whichever period of time is the greater, you shall thereby forfeit all right and title unto such pledged and pawned property to the pawnbroker, who shall thereby acquire an absolute title to the same.
- C. Said pawn ticket shall also include the manufacturer's identifying insignia or serial number, if any.
- D. Such pawn ticket shall constitute the loan or sale contract.

- E. The pawnbroker shall not charge the customer for preparation of said pawn ticket.

SECTION 615.140: MEMORANDUM OF ENTRY

Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles, or things, a memorandum or note signed by him, containing the substance of the entry required to be made by him/her in such record book, and an estimated value of the goods, articles, or things pledged, and no charge shall be made or received by any pawnbroker for any such entry, memorandum, or note.

SECTION 615.150: RECEIPT FOR PAYMENT TO BE FURNISHED

Upon redemption of any pledge, the pawnbrokers shall furnish to the pledgor at the time of redemption, a written signed receipt indicating the exact amount paid on principal and interest, in order that said pledgor may have the benefit of said receipt for income tax purposes and other matters. Said written receipt shall be either printed or stamped with the name of the pawnbroker and the address, and shall be legibly written so that the figures thereon are clearly discernible.

SECTION 615.160: SEPARATE PAWN TICKET FOR EACH ITEM

Every pawnbroker shall prepare and deliver to the pledgor at the time of the pledge a separate pawn ticket for each and every item pledged.

SECTION 615.170: MAXIMUM INTEREST RATE

- A. It shall be unlawful for any pawnbroker to charge interest exceeding one and one-half percent (1½%) per month on any pledge. The amount of interest so tendered and received shall be recorded on the reverse side of the pawn ticket for each separate pledge together with the initials of the person accepting such tender. Each and every pawn ticket shall provide in addition to other required printing thereon as specified in this Chapter, the following words:
- Maximum legal interest rate one and one-half percent (1½%) month plus one dollar (\$1.00) service charge.
- B. Pledgor shall sign said ticket on the space provided thereunder.

SECTION 615.180: SIGN TO BE POSTED SHOWING INTEREST, SERVICE CHARGE AND REQUIREMENT TO PHOTOGRAPH

- A. Each and every pawnbroker shall post and maintain in a prominent location within the confines of said pawn shop and maintain in a prominent location within the confines of said pawn shop a printed sign not less than fifteen (15) by twenty (20) inches with clearly discernible red lettering on a white background in not less than two (2) inch size the following words:
- Maximum legal interest one and one-half percent (1½%) plus one dollar (\$1.00) for service charge.
- B. This pawnbroker is required by City ordinance to photograph every person pledging or depositing any article of personal property.

SECTION 615.190: RECORDS

Every pawnbroker shall keep a book in which shall be entered and legibly written in ink at the time of each loan or receipt of personal property an accurate account and description of the goods, articles, or things pawned or received, the amount of money loaned or advanced thereon,

the number of the pawn ticket given to the pledgor, the time when redeemable, the time both day and hour, of pawning and receiving such goods, articles, or things, and the name, residence, age, sex, color, and description as near as possible of the person pawning or delivering the goods, articles or things. No entry made in such book shall be erased, obliterated, or defaced. The book, as well as every article or thing pawned, pledged, or deposited, shall at all reasonable times be open to inspection by the City Marshal/Chief of Police or any officer directed by said City Marshal/Chief of Police.

SECTION 615.200: DAILY REPORT

Every pawnbroker or pawn shop keeper in the City must, before the hour of 12:00 P.M. of every day, except Sunday, and days the pawnbroker is closed all day, make and deliver to the City Marshal/Chief of Police at the Police Station a full, true and detailed copy of all pawn tickets legibly written, setting forth an exact description of each article or thing, pawned or received, by such pawnbroker or pawn shop keeper during the period since the last such report. Said ticket shall be a full, detailed, and correct copy of all entries in the book required to be kept in the immediately preceding Section. If no article or thing has been pawned or received, a report must be made to that effect.

SECTION 615.210: REPORT SLIPS

The City Marshal/Chief of Police shall cause such a number of blanks to be printed as may be necessary for the purpose of making the reports required by this Chapter. He/she shall, from time to time, cause such additional blanks to be printed as may be required. These blanks shall be so printed and subdivided that they shall have space for writing and all the matters required by this Chapter to be registered and reported. This report shall be written in the English language in a clear and legible manner. Such blanks shall bear a caption, providing spaces in which shall be filled in the date of the report, the name and residence of the person making the same, and the hour of day when made and all other matters required by this Chapter to be reported, including but not limited to the name, address, age, motor vehicle operator's or chauffeur's license number, state of issuance, social security number, height, weight, color of eyes, and color of hair of the pledgor, with a photograph of such pledgor being attached thereto.

SECTION 615.220: FILING OF REPORTS -- INSPECTION

The City Marshal/Chief of Police shall deliver the blanks provided for in the immediately preceding Section to the person from whom these reports are required, from time to time, at the cost of the Police Department. The City Marshal/Chief of Police shall, upon receipt of such reports, file them in some secure place in his/her office, and they shall be open to inspection only by the City Marshal/Chief of Police or any officer directed by the City Marshal/Chief of Police or by the City Administrator or any person directed by the City Administrator or upon any order of the Court.

SECTION 615.230: DUPLICATE RECEIPT SHALL BE KEPT BY PAWNBROKER

Duplicate copies of receipts shall be maintained in chronological order by the pawnbroker in a bound or otherwise secured book for a period of at least one (1) year from the date of redemption and shall be at all times open to the inspection of the City Marshal/Chief of Police or any officer directed by the City Marshal/Chief of Police, City Administrator, City Clerk, or City Attorney, or by any one (1) or more of such officials or their representatives.

SECTION 615.240: PERSON FROM WHOM PAWN MAY NOT BE TAKEN

It shall be unlawful for any pawnbroker, pawn shop keeper, his/her servant or employee to receive any goods, articles, or things in pawn or pledge from a person who is intoxicated, under the influence of drugs, insane, or a person under the age of eighteen (18) years.

SECTION 615.250: MINORS NOT TO RECEIVE PLEDGES OR MAKE LOANS

It shall be unlawful for any pawnbroker to employ any clerk or person under the age of eighteen (18) years to receive any pledge or make any loan.

SECTION 615.260: ACTS OF EMPLOYEES

The holder of a pawnbroker's license shall be responsible for any and all acts of his/her employees and for any violation by them of the provisions of this Chapter.

SECTION 615.270: GOODS WHICH MAY NOT BE TAKEN FOR PAWN

No licensed pawnbroker shall buy, sell, or take for pledge, pawn, or security any revolver, pistol, blackjack, switchblade, brass knuckles, numchucks, sawed-off shotguns, dirk, dagger, razor, bowie knife, or any other dangerous or deadly weapons, and no pawnbroker shall display said weapons for sale in his/her place of business.

SECTION 615.280: STOLEN PROPERTY

- A. It shall be the duty of every pawnbroker to report to the Police, any article pledged with him/her or which it is sought to be pledged with him/her if he/she shall have reason to believe that the article was stolen or lost and found by the person attempting to pledge it in the case of a lost article.
- B. This notification by the pawnbroker to the police shall be in writing and said pawnbroker shall provide the name, address, physical description, and photograph of the person from whom the article or personal property was received, the time said article or personal property was received, and any facts connected therewith that may tend to the discovery and conviction of the thief or thieves.

SECTION 615.290: SERIAL NUMBERS REQUIRED

No pawnbroker shall accept as collateral, security, or purchase any camera, radio, television set, video cassette recorder, lawnmower, typewriter, adding machine, calculating machine, copy machine, duplicating machine, tape recorder, tape player, cash register, still or moving picture projector or offset projector, dictating machine, record player, electric buffer, electric polisher, electric floor waxer, or any other article or personal property that was intended to have a manufacturers serial number or other identifying insignia, unless such item shall have plainly visible thereon said serial number or insignia.

SECTION 615.300: SAFEKEEPING OF PLEDGES

Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges received by him/her and shall have sufficient insurance on the property held on pledges for the benefit of the pledgers, in case of destruction by fire or loss by theft.

SECTION 615.310: CHARGES

It shall be unlawful for any pawnbroker to charge or receive any appraisal fee, storage fee, or any other fee or charge other than the amount specified in this Chapter. No charges shall be made for restoring stolen property to its rightful owner.

SECTION 615.320: EMPLOYEE REGISTRATION

Every employee of a pawn shop as hereinafter defined shall, within thirty (30) days after October 7, 1986, register his/her name and address with the Police Department of the City and shall have had his/her thumb prints, finger prints, and photograph taken, and filed with the City and receive a certificate showing compliance therewith. For the purpose of this Section, an employee of a pawn shop shall include all persons working in a pawnbroker shop and any owner, stockholder, if the owner is a corporation, partner or any other person who receives income in any manner from the operation of said pawn shop. Every person seeking to be registered under the provisions of this Section shall first pay to the City the sum of five dollars (\$5.00) as a condition precedent to having issued to him/her a certificate as provided herein.

SECTION 615.330: LOCATION

No pawnbroker's license shall be issued in any location in which such business is not permitted by the zoning ordinances of the City.

SECTION 615.340: COMPLIANCE WITH STATE LAW

Every pawnbroker shall fully comply with all of the requirements and provisions of the Revised Statutes of the State of Missouri.

SECTION 615.350: PENALTY

Any person, firm, or corporation violating any provisions of this Chapter, shall be deemed guilty of an offense and shall be punished as provided in Section 100.240 of this Code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER 620: GARAGE, YARD AND PORCH SALES**SECTION 620.010: DEFINITION**

As used in this Chapter, the terms "*garage*", "*yard*" and "*porch sales*" are hereby declared to have their usual and ordinary meaning and include all sales in residential areas conducted on private property by persons not holding a valid merchants license issued by the City of Marshfield. (Ord. No. 297 §1, 10-14-75)

SECTION 620.020: PERMIT REQUIRED

No person shall advertise, conduct, carry on or permit any garage, patio, yard, or porch sale, or other similar sale, upon the grounds of or within any dwelling within the City limits of the City of Marshfield, without first obtaining a permit from the City Administrator of the City of Marshfield allowing such sale. In order to obtain such a permit the applicant must provide in

writing the name of the person or persons holding or conducting such sale, the location of the sale, the date or dates such sale is to be held, the hours that such sale is to be held and a general description of the articles to be offered for sale. This Section shall not apply to any person conducting any such sale at the location of a business holding a valid and current merchants license issued by the City of Marshfield. (Ord. No. 297 §2, 10-14-75)

SECTION 620.030: CHARGE FOR PERMIT

There shall be a charge of five dollars (\$5.00) for each permit issued under this Chapter. (Ord. No. 297 §3, 10-14-75)

SECTION 620.040: LIMIT ON NUMBER OF SALES

It shall be unlawful for any person to advertise, conduct, carry on or permit more than two (2) sales of the type required to have a permit under the terms of this Chapter within any twelve (12) month period, nor shall such a sale be held or be scheduled for more than three (3) calendar days in any such twelve (12) month period. As used herein the term "*person*" shall also include all members of the immediate family and all residents of the household of the person obtaining the permit required. (Ord. No. 297 §4, 10-14-75)

SECTION 620.050: ARTICLES TO BE SOLD

No person shall advertise, sell or offer for sale at any sale required to have a permit under the provisions of this Chapter, any articles of personal property except such as have normally accumulated in ordinary dwelling usage. (Ord. No. 297 §5, 10-14-75)

SECTION 620.060: ADVERTISEMENT OF SALE

It shall be unlawful for any person to advertise any sale of the type required to be registered and permit obtained under the terms of this Chapter by any sign exceeding the size of three (3) feet by two (2) feet; no advertising signs shall be placed upon any property within the said City without obtaining the express permission of the owner of said property; no signs advertising said sales shall be posted more than forty-eight (48) hours prior to the start of said sale and all said signs shall be removed within twenty-four (24) hours from the time said sale is registered to end; all advertising signs for sales shall show on the face thereof the name of the person or persons conducting the said sale and the address where the sale is to be conducted. (Ord. No. 297 §6, 10-14-75)

SECTION 620.070: PERMIT SHALL BE AVAILABLE FOR INSPECTION

Each person holding a permit to conduct a sale shall keep said permit at the location of said sale and shall produce said permit for inspection by any Police Officer of the City of Marshfield or any other City official. (Ord. No. 297 §7, 10-14-75)

CHAPTER 625: BRANDING AND TATTOO ESTABLISHMENTS

SECTION 625.010: DEFINITIONS

As used in this Chapter, the following words shall have the meanings set out herein:

AUTOCLAVE: An apparatus, device or mechanism for sterilizing articles by using superheated steam under pressure.

BRAND OR BRANDING: A permanent mark made on human tissue by burning with a hot iron or other instrument.

BRANDER: An individual who, for a fee, performs branding on a patron at the patron's request.

BRANDING ESTABLISHMENT: The premises where a brander performs the process of branding.

CERTIFICATE OF INSPECTION: Written approval from the Health Officer or his/her authorized representative that said branding and tattoo establishment has been inspected and meets all of the terms of this Chapter relating to physical facilities, equipment and layout for operation of such business.

CLEANING: The removal of foreign material, soil, dirt and any other type of debris from all equipment coming into contact with a patron and is normally accomplished with detergent, water and mechanical action.

DISINFECTANT: A chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.

HEALTH OFFICER: A single term which shall mean the City Health Officer or his/her authorized representative.

OPERATOR: Any individual, firm, company, corporation or association that owns or operates an establishment where branding and/or tattooing is performed and any individual who performs or practices the art of branding and/or tattooing on the person of another.

PATRON: A person receiving a tattoo or brand.

PREMISES: A structure or building in which a branding and tattoo parlor is situated.

SINGLE USE: A product or item that is disposed of after one (1) use, such as a needle, cotton swab or ball, tissue or paper product, a paper or soft plastic cup, non-absorbent gloves, and/or gauze and other sanitary coverings.

STERILIZATION: The killing of all organisms and spores through use of an autoclave operated at a minimum of two hundred fifty degrees Fahrenheit (250° F) at a pressure of at least twenty (20) pounds per square inch for not less than thirty (30) minutes.

TATTOO:

1. An identifiable mark made on the body of another person by the insertion of a pigment under the skin; or
2. An indelible design made on the body of another by production of scars other than branding.

TATTOO ESTABLISHMENTS: The premises where a tattooist performs tattooing on patrons.

TATTOOIST: Any individual who, for a fee, tattoos a patron at the patron's request. (Ord. No. 1096, 10-28-04)

SECTION 625.020: LICENSE REQUIRED

In order to regulate the practice of branding and tattooing and to protect the peace, safety and welfare of the residents of the City of Marshfield, it shall be unlawful for any person to engage in the business of operating an establishment for the purpose of branding and tattooing without first obtaining a license to engage in such business in accordance with the provisions hereof. (Ord. No. 1096, 10-28-04)

SECTION 625.030: APPLICATION FEE

An application for a license shall be accompanied by a fee in the amount of twenty-five dollars (\$25.00); provided however, that no application fee shall be required for renewal of an existing

license. Any change of ownership shall require a new application and license with payment of fees therefore, a separate license is required for each branding or tattoo establishment. (Ord. No. 1096, 10-28-04)

SECTION 625.040: LICENSE FEE

The license fee for engaging in the business of operating a branding and/or tattoo establishment within the City of Marshfield shall be twenty-five dollars (\$25.00) per annum and said license shall be on a yearly basis beginning July first (1st) of each year and may be apportioned on a semi-annual basis and shall be non-transferable. (Ord. No. 1096, 10-28-04)

SECTION 625.050: QUALIFICATIONS OF APPLICANT

Every person applying for a branding and tattoo establishment license shall file a written application and plat with the Health Officer setting forth his/her qualifications as follows:

1. Name, address, birth date and place of birth.
2. His/her employment background for twelve (12) years prior to the date of application and whether any previous business or occupational license, including any alcoholic beverage license and branding and/or tattoo establishment license, has been revoked or suspended and for what reasons.
3. Such other facts relevant to the general history of the applicant as he/she or the Health Officer find necessary to a fair determination of the applicant's eligibility for a license.
4. The applicant shall also file a plat or drawing of the proposed premises showing the dimensions thereof together with the proposed number and location of the branding and tattoo chairs and also indicating the location of all doorways, windows, lights, entrances and exits to the premises and the restroom facilities and such plat shall remain as a part of the record concerning the application and premises. (Ord. No. 1096, 10-28-04)

SECTION 625.060: NEIGHBORHOOD CONSENT PETITION

In addition to the application and plat, the applicant for a branding and/or tattoo establishment license shall also file with the Health Officer, together with the application and plat, a written petition in favor of the issuance of such license signed by a majority of the persons, if any, occupying premises or conducting business on the main surface floor within the prescribed petition circle drawn by a radius of seven hundred fifty (750) feet plus one-half (½) of the width of the front of the premises from the center of such premises projected to the streets. A neighborhood consent petition shall not be required for successive yearly renewal licenses for the same licensee on the same premises. (Ord. No. 1096, 10-28-04)

SECTION 625.070: PREMISES NOT TO BE NEAR SCHOOL

The Health Officer shall not approve or issue a license for the operator of a branding or tattoo establishment or premises within seven hundred fifty (750) feet of an elementary or secondary school. For purposes of this Section, the distance between the elementary or secondary school and the branding or tattoo establishment premises shall be considered to be the distance between the nearest point of the building used for school purposes. (Ord. No. 1096, 10-28-04)

SECTION 625.080: APPROVAL -- WHEN -- REQUIREMENTS

The Health Officer, in his/her discretion, may approve such application if he/she is satisfied that the applicant is of good moral character and that the applicant has given evidence that he/she will

be able to operate the premises in compliance with all regulations and laws governing such premises and the applicant is a resident of the State of Missouri and his/her neighborhood consent petition is in good form and the applicant's premises are not within seven hundred fifty (750) feet of an elementary or secondary school as provided. The Health Officer may propose and require changes in the premises in regard to the doorways, windows, lights, entrances, exits and toilet facilities and in regard to the number and location of tattoo chairs before granting his/her approval of the application. (Ord. No. 1096, 10-28-04)

SECTION 625.090: HOURS OF OPERATION

All branding and tattoo establishments shall be open duly between the hours of 8:00 A.M. and 10:00 P.M. Central Standard Time or Daylight-Saving Time, whichever shall be in effect. All branding and tattoo establishments shall have all patrons removed and the doors locked by the closing time mentioned herein and shall suffer no persons subject to curfew regulations to be or remain on the premises in violation of the curfew hours. Any licensee who repeatedly violates this curfew regulation concerning curfew hours shall be deemed to have prima facie violated these regulations without showing of other violations. (Ord. No. 1096, 10-28-04)

SECTION 625.100: REQUIREMENTS FOR ESTABLISHMENT

Each person who operates a branding and tattooing establishment shall comply with the following requirements:

1. The room in which tattooing is done shall have an area of not less than one hundred (100) square feet. The walls, floors and ceilings shall have an impervious, smooth and washable surface.
2. All branding and tattoo establishments shall be kept clean and well lighted so that the rear of the premises is plainly visible from the front of such premises.
3. A toilet shall be located in the establishment and shall be accessible at all times that the branding and tattoo establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary hand towels.
4. All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a like color, with a smooth washable finish and shall be separated from waiting customers or observers by a panel at least six (6) feet high or by a door.
5. The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.
6. The operator shall wash his/her hands thoroughly with soap and water before starting to brand and tattoo.
7. No branding and tattooing shall be done on any skin surface that has a rash, pimples, boils, infections or manifest any evidence of unhealthy conditions.
8. No skin area shall be penetrated, abraded or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark, scar or tattoo.
9. Safety razors with a new single surface blade for each customer or patron or a straight edge razor may be used and shall be thoroughly cleaned and sterilized before use on each customer or patron.
10. The area to be branded or tattooed shall first be thoroughly washed for a period of two (2) minutes with warm water to which has been added an antiseptic liquid soap. A sterile, single-use sponge shall be used to scrub the area. After shaving and before branding or tattooing is begun, a solution of seventy percent (70%) alcohol shall be applied to the area with a single-use sponge used and applied with a sterile instrument.
11. Only petroleum jelly in collapsible metal or plastic tubes or its equivalent as approved by the Health Officer shall be used on the area to be branded or tattooed and it shall be

applied with sterile gauze.

12. The use of styptic pencils, alum blocks or other solid styptics to check the flow of blood is prohibited.
13. Inquiries shall be made and anyone giving a history of recent jaundice or hepatitis may not be branded or tattooed.
14. Single service or individual containers of dye or ink shall be used for each patron and the container therefore shall be discarded immediately after completing work on a patron and any dye in which the needles were dipped shall not be used on any other person. Excess dye or ink shall be removed from the skin with an individual sterile sponge or disposable paper tissue which shall be used only on one (1) person and then immediately discarded. After completing work on any person, the branded or tattooed area shall be washed with sterile gauze, saturated with an antiseptic soap solution approved by the Health Officer or a seventy percent (70%) alcohol solution. The tattooed area shall be allowed to dry and petroleum jelly from a collapsible or plastic tube shall be applied using sterile gauze. A sterile gauze shall then be fastened to the tattooed area with adhesive. (Ord. No. 1096, 10-28-04)

SECTION 625.110: STERILIZATION OF EQUIPMENT

- A. All clean and ready to use needles and instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.
- B. A steam sterilizer (Autoclave) shall be provided for sterilizing all needles and similar instruments before use on any customer, person or patron. Sterilization of equipment will be accomplished by exposure to live steam for at least thirty (30) minutes at a minimum pressure of twenty (20) pounds per square inch, temperature of two hundred fifty degrees Fahrenheit (250°F); chemical disinfectants or germicides are not acceptable in lieu of heat.
- C. All equipment such as needles that pierce the skin or pigment capsules should be used a single time on a single customer in order to ensure that bloodborne diseases are not transmitted. An individual packaging of needles is preferred for maintenance and sterility.
- D. The needles and instruments required to be sterilized shall be so used, handled and temporarily placed during branding and tattooing so that they will not be contaminated.
- E. All pigments, dyes, colors and other items used in branding and tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances and the pigments, dyes and colors used from stock solutions for each customer or patron shall be placed in a single-service receptacle and such receptacle and remaining solution shall be discarded after use on each customer or patron.
- F. All bandages and surgical dressings used in connection with the tattooing of a person shall be sterile. (Ord. No. 1096, 10-28-04)

SECTION 625.120: DISORDERLY CONDUCT PROHIBITED

No branding and tattooing establishment shall suffer or permit any loud noises, boisterous or disorderly conduct in or around the premises or on any grounds of such premises and shall prevent the loitering of persons on the premises or on or around the grounds thereof. (Ord. No. 1096, 10-28-04)

SECTION 625.130: LICENSEE MAY NOT INCREASE NUMBER OF CHAIRS -- EXCEPTION

A licensee shall not increase the number of branding and tattoo chairs over the number specified

in his/her plat filed with the Health Officer; provided however, the Health Officer may authorize such increase upon application by the licensee. (Ord. No. 1096, 10-28-04)

SECTION 625.140: RECORDS TO BE KEPT ON CUSTOMERS

Permanent records for each patron or customer shall be maintained by the licensee or operator of the establishment. Before the branding and tattooing operation begins, the patron or customer shall be required personally to enter on a record form provided for such establishment the date, his/her name, address, age, Social Security number and his/her signature. Such records shall be maintained in the branding and tattooing establishment and shall be available for examination by the Health Officer. Records shall be retained by the operator or licensee for a period not less than two (2) years. In the event of a change of ownership or closing of the business, all such records shall be made available to the Health Officer. (Ord. No. 1096, 10-28-04)

SECTION 625.150: INSTRUCTIONS TO BE GIVEN TO CUSTOMERS

Verbal and written instructions regarding hygienic aftercare of a brand or tattoo shall be given to each customer and each customer should be instructed to report complications to the regulated establishment. (Ord. No. 1096, 10-28-04)

SECTION 625.160: NO PERSON WITH SKIN INFECTION TO BE BRANDED OR TATTOOED

No person, customer or patron having any skin infection or other disease of the skin or any communicable disease shall be branded or tattooed. All infections resulting from the practice of branding and tattooing which become known to the operator shall promptly be reported to the Health Officer by the persons owning or operating the branding and tattooing establishment and the infected client shall be referred to a physician. (Ord. No. 1096, 10-28-04)

SECTION 625.170: LICENSEE MAY NOT BRAND OR TATTOO CERTAIN INDIVIDUALS

No person, customer or patron who is under either the influence of alcohol or drugs or who is under pressure or duress or who is under the age of eighteen (18) years shall be branded or tattooed. (Ord. No. 1096, 10-28-04)

SECTION 625.180: NO SMOKING OR CONSUMPTION OF FOOD OR ALCOHOL WHERE PROCEDURE PERFORMED

There shall not be allowed smoking or consumption of food or alcohol in the area where a branding and tattooing procedure is performed. The licensee and patrons may consume non-alcoholic beverages during the procedure. Alcoholic beverages shall not be consumed on the premises. (Ord. No. 1096, 10-28-04)

SECTION 625.190: CERTIFICATE OF INSPECTION

An applicant for a license to operate a branding or tattooing establishment shall first obtain a certificate of inspection from the Health Officer indicating the establishment has been inspected and is in compliance with the provisions of this Chapter. (Ord. No. 1096, 10-28-04)

SECTION 625.200: PERIODIC INSPECTIONS OF PREMISES

The Health Officer may conduct periodic inspections of any tattooing establishment for the purpose of determining whether or not said establishment and the persons performing the art of branding and tattooing therein are in compliance with all applicable health provisions contained within this Chapter and other pertinent ordinances. It shall be unlawful for any person or operator of a branding or tattooing establishment to willfully prevent or restrain the Health Officer from entering any licensed establishment where branding and/or tattooing is being performed for the purpose of inspecting said premises after proper identification is presented to the operator. (Ord. No. 1096, 10-28-04)

SECTION 625.210: RENEWAL OF LICENSE

A licensee of a branding and tattoo establishment who has obtained a license under this Chapter may obtain a renewal of his/her license by filing renewal applications provided by the Health Officer, which shall contain the signed statement of the licensee that there has been no change in the information provided on the original application and plat; if, however, such change has occurred, the applicant for renewal of the license must state the changes. The Health Officer may approve such application for renewal without the personal appearance of the licensee; provided however, that the Health Officer may require the licensee to appear before him/her and to furnish such additional information as he/she deems necessary. (Ord. No. 1096, 10-28-04)

SECTION 625.220: INSPECTIONS MAY BE MADE WITHOUT PRIOR NOTIFICATION -- RESULT -- HEARING

- A. The Health Officer or any employee designated by him/her may, without previous notification and at any time, inspect the regulated establishment. The Health Officer may provide the licensee with a checklist showing any deficiencies noted during the inspection. All branding and tattooing shall cease until the deficiencies noted are corrected to the satisfaction of the Health Officer. If, at any time, the Health Officer deems that the branding and tattooing procedures are detrimental to the public health, he/she may issue a temporary restraining order in writing to the licensee and this notice may be served upon the licensee or any person employed by the licensee or left at the regulated establishment or the notice of temporary abatement may also be served by United States mail, return receipt requested.
- B. Upon receipt of a notification of abatement, the licensee and all of his/her agents or employees shall immediately cease the performing of any further branding and tattooing until a hearing may be had by the Board of Aldermen of the City of Marshfield for the purpose of determining whether or not the temporary notice of abatement should be made permanent.
- C. The Health Officer, in the notice of the temporary abatement, shall specify the time and place for a hearing to be held for the purpose of determining whether or not the temporary order of abatement should be made permanent. The licensee will be notified of the time and place of the hearing and be advised of his/her right to be represented by counsel at said hearing and to introduce any evidence in his/her own behalf. The Board of Aldermen of the City of Marshfield may receive such information as they deem reliable for purposes of protecting the public health.
- D. At the conclusion of the hearing, the Board of Aldermen of the City of Marshfield may issue a permanent abatement order or a conditional abatement order. If a conditional abatement order is issued, it shall specify the deficiencies noted and the time within which the licensee shall have an opportunity to correct the same. If deficiencies are not corrected within that period of time, the abatement order will, in any event, be made permanent. (Ord. No. 1096, 10-28-04)

SECTION 625.230: REFUSAL TO GRANT OR RENEW LICENSE -- NOTIFICATION

Whenever the Health Officer refuses to grant or renew a license, he/she shall notify the applicant for said license or the licensee, whichever the case may be, of his/her decision and the reason therefore and shall further inform the applicant or licensee that he/she is entitled to a formal hearing before the Board of Aldermen of the City of Marshfield concerning said proposed application or renewal. The applicant or licensee must then file a request for such a formal hearing within fourteen (14) days after said date of notification or the Health Officer's refusal to grant said license or to renew said license shall be final and non-appealable. After a formal hearing (to be conducted in the same manner as a hearing for abatement as previously set forth herein), a majority of the Board of Aldermen of the City of Marshfield may affirm or modify the decision of the Health Officer as it deems necessary. (Ord. No. 1096, 10-28-04)

SECTION 625.240: MISREPRESENTATION OR FRAUD -- RESULTS -- SUSPENSION OR REVOCATION

The Health Officer may suspend any or all of the licensee's licenses for a period of not more than thirty (30) days or any portion thereof or may revoke any or all of the licensee's licenses for any branding and tattoo establishment premises whenever it is found that the licensee has obtained any license through misrepresentation or fraud or that the licensee has disregarded or violated any of the regulations or laws for branding and/or tattoo establishment premises. The licensee shall be notified in writing of the charges or infractions. These shall be mailed to the licensee at the address of any of his/her licensed premises or at the last known residence of the licensee. A public hearing shall be held before the Board of Aldermen of the City of Marshfield at a specified time and at such hearing evidence under oath shall be heard concerning the charges or infractions of the licensee or his/her attorney may present evidence and answer or defense thereto. Evidence of infractions or violations other than those specified in writing to the licensee may also be presented at such hearing; provided however, that the licensee shall be given reasonable additional time if he/she so requests to prepare his/her answer or defense to such additional infractions or violations. The Board of Aldermen of the City of Marshfield shall render a decision within thirty (30) days after completion of the formal hearing and shall mail a copy of its decision to the licensee. Appeals from the decision of the Board of Aldermen of the City of Marshfield may be taken by the licensee as provided by law. Any person whose license has been revoked shall not again be allowed to obtain a branding and tattoo establishment license for two (2) years next thereafter. (Ord. No. 1096, 10-28-04)

SECTION 625.250: HEALTH OFFICER -- ENFORCEMENT OFFICER

The Health Officer is authorized to adopt all necessary forms to enact, promulgate and enforce all rules and regulations necessary for the reasonable interpretation and enforcement of this Chapter. (Ord. No. 1096, 10-28-04)

SECTION 625.260: LICENSEE'S RESPONSIBILITIES

The regulations set forth in this Chapter shall apply to all licensed branding and/or tattoo establishments and a licensee or operator of a branding and tattoo establishment is, at all times, responsible for the orderly conduct of his/her branding and/or tattoo establishment and the acts of any of his/her agents, servants or employees in the operation of his/her branding and/or tattoo establishment. (Ord. No. 1096, 10-28-04)

SECTION 625.270: AUTHORIZATION REQUIRED BY HEALTH OFFICER

The City Clerk is hereby prohibited from issuing a branding and tattoo establishment license

until an authorization therefore has been issued by the Health Officer. Should any license issued under this Chapter be ordered revoked, the City Clerk shall, immediately upon receipt of such notice of revocation, revoke the branding and/or tattoo establishment license for branding and tattoo establishments and operators thereof by written notice addressed to any of his/her licensed premises or at his/her last known address. Whenever a license shall be revoked by the Health Officer, he/she shall immediately notify the City Clerk of such revocation. (Ord. No. 1096, 10-28-04)

SECTION 625.280: PRESENT OPERATORS MUST OBTAIN LICENSE

The operator of any branding and tattoo establishment which is in operation on October 28, 2004, shall be required to obtain a license for his/her premises. He/she shall file an application and plat as required herein before the Health Officer within ninety (90) days of October 28, 2004; provided however, that he/she shall be subject to all other rules, regulations and powers of suspension and revocation and provisions for renewal of licenses as provided in this Chapter. (Ord. No. 1096, 10-28-04)

SECTION 625.290: VIOLATION AND PENALTY

In addition to the revocation and suspension of any license, any person found guilty of violating any provisions of this Chapter shall pay a fine of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00) or be sentenced to a term of not more than ninety (90) days in jail or be punished by both such fine and imprisonment for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 1096, 10-28-04)

SECTION 625.300: OPERATION AND EFFECT

This Chapter shall be in full force and effect from and after its passage by the Board of Aldermen of the City of Marshfield. Ordinances, or parts of ordinances, in conflict with this Chapter are hereby repealed. (Ord. No. 1096, 10-28-04)

CHAPTER 630: FARMERS' MARKET

SECTION 630.010: FARMERS' MARKET ESTABLISHED

The Board of Aldermen are hereby authorized on behalf of the City of Marshfield to establish a Farmers' Market for the promotion of trade and commerce in the City of Marshfield pursuant to Section 79.450.7, RSMo.; said market is deemed to be in the best interest of the trade and commerce of the City of Marshfield. (Ord. No. 1101 §1, 12-9-04)

SECTION 630.020: LOCATION

The Farmers' Market shall be located at such designated locations within Shook Park located in the City of Marshfield or at such other location as the Board of Aldermen may from time to time designate. (Ord. No. 1101 §1, 12-9-04)

SECTION 630.030: HOURS OF OPERATION

The Farmers' Market shall be open and available for use on each Friday from 3:00 P.M. until 7:00 P.M. and may only operate on other days as authorized by the Board of Aldermen. (Ord. No. 1101 §1, 12-9-04)

SECTION 630.040: METHOD OF OPERATION

The City of Marshfield shall only provide the space at which the Farmers' Market shall be located. The City shall not be responsible for assigning spaces or regulating locations. Sites shall be on a "first come, first serve" basis. The City of Marshfield shall not be responsible to any seller or buyer with regard to the condition of any product sold. (Ord. No. 1101 §1, 12-9-04)

SECTION 630.050: ITEMS WHICH MAY BE SOLD

Except as otherwise set forth herein, only fresh produce which is locally grown may be offered for sale at the Farmers' Market. Produce brought in for resale must be grown in Missouri, labeled where it is grown, and the vendor must have prior permission which shall be given at the sole discretion of the market manager. The sale of produce by commercial brokers is expressly prohibited. Fruits, vegetables, horticultural, agricultural and value-added products which are raised or produced in Webster County and adjoining Counties and properly labeled baked goods may be sold. Eggs may be sold with an egg license. The sale of any other goods is hereby prohibited. (Ord. No. 1101 §1, 12-9-04; Ord. No. 1122 §1, 3-24-05)

SECTION 630.060: CLEANLINESS AND DISPLAY

No person shall lay, throw or deposit any garbage, dirt, filth, dung or offal within the confines of the Farmers' Market. At the close of the business day, vendors shall clean the area assigned for that day, removing all his/her refuse or trash from the market and hauling it to a legal disposal site outside the City of Marshfield. (Ord. No. 1101 §1, 12-9-04; Ord. No. 1120 §1, 3-24-05; Ord. No. 1123 §1, 3-24-05)

SECTION 630.070: CITY'S RESPONSIBILITIES

The City of Marshfield shall only be responsible for providing the land or area described in this Section on which products may be sold. (Ord. No. 1101 §1, 12-9-04)

SECTION 630.080: SUPERVISOR OF THE FARMERS' MARKET

The Mayor shall appoint with the consent of the Board of Aldermen the supervisor of the Farmers' Market on an annual basis. The supervisor shall have the following duties:

1. Liaison between the City of Marshfield and sellers.
2. Enforcement of all provisions of this Chapter. (Ord. No. 1101 §1, 12-9-04)

SECTION 630.090: PENALTY

It is unlawful for any person to fail to comply with the provisions of this Chapter. Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and may be punished by a fine not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00). (Ord. No. 1101 §1, 12-9-04)

TITLE VII. UTILITIES

CHAPTER 700: WATER AND SEWER SERVICE

Cross References--As to water and sewer cost share fees for developers, §§500.460--500.470; as to identity theft program, §140.160.

SECTION 700.010: COMBINED WATERWORKS AND SEWER SYSTEM

The existing waterworks of the City of Marshfield and the existing sanitary sewerage system and all future improvements and extensions thereto, whether to the waterworks or to the sewerage system or to both, shall be and the same are combined and it is hereby declared that said waterworks and said sewerage system, and all future improvements and extensions thereto as aforesaid, thenceforth be operated and maintained as a Combined Waterworks and Sewerage System. (Ord. No. 79 §2, 3-10-59)

SECTION 700.020: SUPERINTENDENT

The City Administrator shall employ a competent person to have charge of said water system under the control and supervision of the Board of Aldermen and said person shall be known as the Superintendent. (Ord. No. 92 §5, 4-12-60)

SECTION 700.030: INSTALLATION FEE -- METERS

- A. Every land owner in the City of Marshfield, Missouri, desiring to tap into the water mains of the municipal water system of the City of Marshfield, Missouri, and to have a City water meter installed on said tap-in shall pay to the City Collector of the City of Marshfield, Missouri, in advance, the following tap-in and meter fee, to be determined by the size of the tap-in line required, to-wit:

For a three-fourths ($\frac{3}{4}$) inch tap-in and meter	\$ 550.00
For a one (1) inch tap-in and meter	640.00
For a one and one-half ($1\frac{1}{2}$) inch tap-in and meter	800.00
For a two (2) inch tap-in and meter	1,050.00

The charge for any tap-in and meter in excess of two (2) inches in size shall be determined prior to the tap-in by the Board of Aldermen of the City of Marshfield, Missouri, by an analysis of the actual costs of material and labor required, and said fee shall be paid in advance.

- B. No tap-in to the municipal water system of the City of Marshfield, Missouri, shall be allowed unless the City installs a meter on said tap-in. This provision shall not apply to City-owned property.
- C. Under this provision any owner or occupant of a property, which has service available, will be charged the installation fee as defined in this Chapter. It is the responsibility of the customer to notify the City that a property is not connected to the public water system. "Available", as used in this Section, is defined to mean public water system services are provided by the City of Marshfield within one hundred (100) feet of the property line and it is economically feasible and practical from an engineering standpoint for a connection to be made. (Ord. No. 575 §§1--2, 5-22-90; Ord. No. 632 §§1--2, 1-14-93; Ord. No. 845 §§1--2, 4-29-98; Ord. No. 1038 §1, 10-9-03; Ord. No. 1059 §1, 2-12-04)

SECTION 700.040: WATER METERS AND ALL PARTS OF SEWER SYSTEM TO BE EXCLUSIVE PROPERTY OF THE CITY -- TAMPERING PROHIBITED

- A. All water meters installed are hereby declared to be and to remain the exclusive property of the City of Marshfield and it is hereby declared unlawful and an offense for any person or persons to damage, destroy, steal, or tamper in any manner whatsoever with any water meter, or any metal box or the lid or top thereto, or with any other part of said water system, or to attempt to damage, destroy, steal, or tamper in any manner whatsoever with any water meter, any meter box or lid or top thereto, or with any other part of said water system.
- B. All portions of the City sewer system, including pipes, mains, manholes, manhole covers, valves, lift stations, and the City treatment plant are hereby declared to be and to remain the exclusive property of the City of Marshfield and it is hereby declared unlawful and an offense for any person or persons to damage, destroy, steal or tamper in any manner whatsoever with any of the aforesaid property, or any other part of said sewer system, or to attempt to damage, destroy, steal, trespass upon, or tamper in any manner whatsoever with any part of said sewer system. (Ord. No. 472 §6, 2-28-85; Ord. No. 474 §7, 3-14-85)

SECTION 700.050: EACH UNIT TO HAVE SEPARATE METERS

Each family unit and each business of any kind whatsoever shall have a separate and individual meter; provided however, that whenever any landlord is furnishing water to his/her tenants and said tenants are all under the same roof, each occupying a part of the same building, and no separate fee or charge is made by the landlord for the water furnished, the landlord may furnish water to all of said tenants through one (1) meter.

FAMILY UNIT: As used herein, shall have the same meaning as that commonly applied to the word "*family*", and shall mean any number of persons more than one (1) living together under the same roof with someone of their number as head who controls the affairs of the household and upon whom the others, or some of them, are by reason of some legal or moral obligation dependent. (Ord. No. 92 §13, 4-12-60; Ord. No. 369 §9, 10-26-78; Ord. No. 472 §7, 2-28-85)

SECTION 700.060: WATER RATES

- A. *Inside City Limits.*
 - 1. Every user of water from the municipal water system of the City of Marshfield located inside the municipal limits of the City of Marshfield shall use said water only after it has been metered in a water meter to be furnished, installed, regulated and controlled exclusively by said City of Marshfield, under the direction of the Board of Aldermen of said City, and the applicant for each meter, or someone for him/her, shall pay to said City for said water used at the following monthly rate:

Minimum charge	\$ 6.00
In addition each user shall pay a user unit charge for operation and maintenance including replacement	\$ 1.69 per thousand
 - 2. A "*month*" as used herein is defined as one (1) calendar month.
- B. *Outside City Limits.* Every residential user of water from the municipal water system of the City of Marshfield which is located outside the municipal limits of the City of Marshfield shall use said water only after it has been metered in a water meter to be furnished, installed, regulated and controlled exclusively by said City of Marshfield under the direction of the Board of Aldermen of said City, and the applicant for each meter, or someone for him/her, shall pay to said City for said water used at the following monthly rate:

Minimum charge	\$ 12.00
In addition each user shall pay a user unit charge for operation	

and maintenance including replacement

\$ 3.38 per thousand

- C. Prior to using any water of the City water system, each homeowner shall deposit with the City the sum of seventy-five dollars (\$75.00); prior to using any water from the City water system, each renter shall deposit with the City the sum of seventy-five dollars (\$75.00). (Ord. No. 92 §§2--3, 4-12-60; Ord. No. 369 §§1--2, 10-26-78; Ord. No. 472 §§1--3, 2-28-85; Ord. No. 663 §1, 10-28-93; Ord. No. 960 §1, 9-13-01; Ord. No. 1041 Art. IV, 11-6-03)

SECTION 700.070: ASSESSMENT FROM OWNER FOR SEWER SERVICE -- GENERALLY

- A. There is hereby assessed against, and the City of Marshfield, shall collect sanitary sewer service charges for the use and services rendered by the sanitary sewer system of the City of Marshfield, Missouri, from the owners or occupants of each lot, parcel of real estate, or building which is connected with the sanitary sewer system of the City of Marshfield or which discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the sanitary sewer system of the City of Marshfield.
- B. After the following date: September 1, 1995, there is hereby assessed against, and the City of Marshfield, shall collect, sanitary sewer service charges for having available the use and services to be rendered by the sanitary sewer system of the City of Marshfield from the owners or occupants of each lot, parcel of real estate, or building which:
1. Is connected to the wastewater treatment system; or
 2. Discharges wastewater of any type, either directly or indirectly, into said wastewater treatment system; or
 3. Is not connected, but has water service connected, and current consumption as well as said wastewater treatment services available to such property.
- C. Under this provision any owner or occupant of a property which has services available will be charged the rate as defined in this Chapter. It is the responsibility of the customer to notify the City that a property is not connected to the public water system. "Available", as used in this Section, is defined to mean public wastewater treatment services are provided by the City of Marshfield, within one hundred (100) feet of the property line, or within two hundred (200) feet of a proposed building and it is economically feasible and practical from an engineering standpoint for a connection to be made. The Board of Aldermen will determine "availability" considering all relevant factors including, but not limited to, the following: The elevation of the property, the composition of the subterrain, the effect such connection will have on the surrounding system, and the public health and welfare. (Ord. No. 595 §§1--2, 5-23-91; Ord. No. 746 §§1--2, 8-10-95)

SECTION 700.080: SEWER RATES

- A. The Board of Aldermen of the City of Marshfield hereby finds and determines that the rates, fees and charges for the use and services or availability of the use and services of the sanitary sewerage system of the City of Marshfield, which will be necessary and adequate to provide for the maintenance, operation, and improvement of such sanitary sewerage system are as hereinafter specified.
- B. The Board of Aldermen of the City of Marshfield hereby finds and determines that the rates, fees and charges for the use and services of the wastewater treatment systems as hereinafter specified are necessary and adequate at this time to meet the requirements of Section 250.010 to 250.250, inclusive, RSMo. The monthly rates required and which shall be charged and collected by the City of Marshfield for sewerage service furnished or available by the City's sanitary sewerage system shall be based upon the quantity of water used and shall be measured by the water meter or meters installed on the premises served, or for which service is available, unless suitable

wastewater measuring and recording equipment is furnished and maintained by the person receiving service, and said charges shall be as follows:

1. Each user shall pay for the services provided by the City based on their use of the water system as determined by water meter(s) acceptable to the City.
 2. All monthly user charges will be based on monthly water usage.
 - a. Every user of sewer within the City limits of the City of Marshfield there shall be a fixed minimum charge of two dollars eighty-four cents (\$2.84) per month for the first one thousand (1,000) gallons or any portion thereof (this shall constitute the minimum charge per month) plus two dollars eighty-four cents (\$2.84) per thousand (1,000) gallons or any portion thereof for all water used above one thousand (1,000) per month.
 - b. Every user of sewer from the municipal sewer system of the City of Marshfield which is located outside the municipal limits of the City of Marshfield shall pay a fixed charge of fifteen dollars sixty-seven cents (\$15.67) per month for the first one thousand (1,000) gallons or any portion thereof (this shall constitute the minimum charge per month) plus two dollars eighty-four cents (\$2.84) per thousand (1,000) gallons or any portion thereof for all water usage above one thousand (1,000) per month.
 3. For any industrial, commercial or other contributor who discharges processed wastewater or other wastewater into the sanitary sewer system which contains more than 1.7 pounds of B.O.D. per thousand (1,000) gallons or any portion thereof and/or more than two (2) pounds of suspended solids per thousand (1,000) gallons or any portion thereof, a charge of two dollars fifty-nine cents (\$2.59) per month for the first one thousand (1,000) gallons or any portion thereof, plus two dollars fifty-nine cents (\$2.59) per thousand gallons or portion thereof for all wastewater discharged above one thousand (1,000) gallons or portion thereof per month, plus seven cents (\$0.07) per pound for each pound of B.O.D. in excess of 1.7 pounds per thousand (1,000) gallons or portion thereof, plus three cents (\$0.03) per pound for each pound of suspended solids in excess of two (2) pounds per thousand (1,000) gallons or portion thereof.
 4. In addition to the charges prescribed herein, all existing or future industrial contributors which discharge processed wastewater into the sanitary sewer system shall pay an industrial cost recovery charge to the City as prescribed by the industrial cost recovery charge ordinance.
- C. If a substantial part of the wastewater discharge of a commercial or industrial user or residential user is not discharged into the public sanitary sewer; or if in a particular case, special circumstances make the application of sewer rates and charges inequitable when applied, then the Board of Aldermen shall have the right to modify the foregoing rates, and may enter into contracts which shall provide for equitable charges for wastewater treatment services. Justification for adjustments to water consumption shall be studied and reported in the form of an engineering report, and submitted to the Board of Aldermen. The cost of engineering surveys or reports, or special metering devices used to determine any adjustment shall be borne by the user. All agreements for adjustments of water consumption previously approved by the Board of Aldermen and all future agreements shall be reviewed annually by the Board of Aldermen. (Ord. No. 595 §§3--5, 5-23-91; Ord. No 746 §§3--5, 8-10-95; Ord. No. 1318 §§1--2, 1-24-08)

SECTION 700.085: DELINQUENT BILLS

- A. Bills for water and sewer shall be delinquent after the fifteenth (15th) day of the month. A penalty of ten percent (10%) shall be applied to delinquent bills. Any bill that remains unpaid after the twentieth (20th) day of the month shall subject the property owner/renter to a disconnection of service and an additional ten dollar (\$10.00) charge.

- B. Before any disconnected location is reconnected back to the municipal water system, a charge of ten dollars (\$10.00) shall be paid to the City of Marshfield for the cost of said reconnection, unless said reconnection is made after normal business hours (between the hours of 4:00 P.M. and midnight, and between the hours of midnight and 8:00 A.M. on any weekday; on any Saturday; on any Sunday; and on any holiday as declared by the Board of Aldermen of the City of Marshfield, Missouri) then the charge to reconnect to the municipal water system shall be twenty-five dollars (\$25.00) to be paid prior to said reconnection.

SECTION 700.087: DEPOSIT REQUIRED

- A. Prior to using any water of the City water system, each homeowner shall deposit with the City the sum of seventy-five dollars (\$75.00); and each renter shall deposit with the City the sum of one hundred twenty-five dollars (\$125.00) prior to using any water from the City water system.
- B. If any user has previously paid to the City a deposit pursuant to previous deposit requirements and in an amount less than the current deposit requirements, then upon the third (3rd) written delinquency notice to terminate service issued to such user, said user shall be required to deposit with the City a sum sufficient to bring the user in compliance with the current deposit required by this Section. (Ord. No. 1042 §1, 11-6-03; Ord. No. 1168 §1, 10-27-05)

SECTION 700.090: BILLING PROCEDURES

- A. Billing procedures for non-commercial residential users located either within the City Limits or without the City Limits of the City are as follows:
1. In June of each year the City Collector shall obtain billing consumption data on all non-commercial customers' winter quarter meter readings and each customer's reading for the twelve (12) months preceding the winter quarter readings. These readings shall be used to compute non-commercial sanitary sewer service charges as provided in this Chapter.
 2. For billing purposes, "*winter quarter water consumption*" shall mean the customer's average monthly winter cycle water consumption using meter readings ending exclusively in January, February or March of the same year. For the same purposes, the "*previous twelve (12) month average*" shall mean the customer's average monthly metered water consumption for the twelve (12) month period preceding the winter cycle. For these purposes, a month will be 30.4375 days.
 3. The City Collector, using the previous information shall compute the City-wide average for the purpose of billing non-commercial customers (either within the City Limits or outside the City Limits) which are without a full winter quarter water meter reading or consumption history. The "*City-wide average*" shall mean the total of the monthly average winter cycle water consumption for non-commercial accounts as determined in the preceding paragraph; (excluding accounts with consumption equal to zero, and accounts that have been estimated divided by that number of accounts).
 4. The monthly water consumption factor for determining volume charges shall be as follows:
 - a. Winter quarter consumption and previous twelve (12) month average are available. Compare quarter consumption with yearly average:
 - 1) Winter quarter is lower - use winter quarter.
 - 2) Yearly average is lower - use yearly average.
 - b. Winter quarter consumption available, previous twelve (12) month average not available. Compare quarter consumption with City-wide average.
 - 1) Winter quarter is lower - use winter quarter.
 - 2) City-wide average is lower - use City-wide average.
 - c. Winter quarter consumption is zero, with previous twelve (12) months available.

- 1) Previous twelve (12) months less than City-wide average - use previous twelve (12) months.
- 2) City-wide average less than previous twelve (12) months - use City-wide average.
- d. Both winter quarter and previous twelve (12) months are zero - use City-wide average.
- e. Winter quarter is estimated and previous twelve (12) month average is available. Compare twelve (12) month average with City-wide average.
 - 1) If twelve (12) month average is less than City-wide average - use twelve (12) month average.
 - 2) If City-wide average is less than twelve (12) month average - use City-wide average.
- f. If winter quarter estimated and no previous twelve (12) month average available - city-wide average is used.
5. If any month of the winter cycle water meter reading is estimated and such accounts are eligible for possible adjustment once the next cycle's reading is available, the adjustment shall be based on actual consumption using the beginning winter cycle reading and the next cycle's ending reading divided by the total consumption days multiplied by 30.4375. Only those bills which would be lower shall be adjusted. Any adjustment request shall be accepted for up to five (5) months after a billing charge. Such a request shall be made in writing to the Board of Aldermen with proof of the actual water consumption which appears on the customer's bill.
6. Non-commercial customers located outside the City limits water billing information shall be gathered on a timely basis to determine customer activity. In the same manner, the City Collector shall gather winter quarter and previous twelve (12) month average water consumption figures for the purpose of billing customers as provided in this Section.
7. Once the calculations in the above Subparagraphs have been made, the City Collector shall review customer billing information for accuracy and make any necessary changes.
- B. Commercial customers shall be billed on the basis of actual water consumption, and said bills shall not be averaged, and shall not utilize the winter quarter consumption as a base. (Ord. No. 595 §6, 5-23-91; Ord. No. 746 §6, 8-10-95; Ord. No. 1272 §1, 5-22-07)

SECTION 700.100: USERS DISCHARGING UNUSUAL AMOUNTS OF SEWAGE

Any business establishment, industry or other user discharging an unusual amount of waste or fluid into the City's sewerage system which places an unusual burden upon said system or its sewerage treatment works or facilities, shall be charged such reasonable and proper amount as may be fixed from time to time by the Board of Aldermen, taking into account such unusual burden. (Ord. No. 595 §7, 5-23-91; Ord. No. 746 §7, 8-10-95)

SECTION 700.110: SEWAGE SERVICES NOT TO BE FURNISHED FREE

No sewerage services shall be furnished or rendered by the City's sewerage system or any of the facilities thereof free of charge to any customer or user thereof, other than to the City itself. (Ord. No. 595 §8, 5-23-91; Ord. No. 746 §8, 8-10-95)

SECTION 700.120: BILLING

- A. All water meters shall be read and bills for both water and sewerage services shall be rendered monthly as such services accrue. The City Collector shall calculate the amount of each bill for water service for the preceding period and shall add thereto the amount of such customer's bill for sewerage service computed as hereinbefore specified, and shall render to each customer a

single combined bill for such water and sewerage service.

- B. For persons liable for payment of a sewer service charge to obtain any water from any source other than the City's water system, the City Collector shall each month obtain the total amount of water furnished such person for the preceding monthly period and shall calculate what would be the bill of the City for such water and shall then determine the amount of the sewerage service charge for such person, computed as aforesaid, and render a bill therefor. (Ord. No. 595 §§9--10, 5-23-91; Ord. No. 746 §§9--10, 8-10-95)

SECTION 700.130: OCCUPANT AND OWNER -- JOINTLY AND SEVERALLY LIABLE

The occupant and user of the premises receiving services or water and sewerage services combined and the owner of said premises shall be jointly and severally liable to pay for such services rendered on said premises. The City shall have power to sue the occupant or the owner, or both, of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service, if such owner has requested in writing to receive any notice of termination and has provided the entity rendering such service with the owner's business addresses.

SECTION 700.140: WATER MUST BE METERED

It is hereby declared unlawful and an offense for any person or persons to knowingly use water from the said municipal system unless said water is metered as herein provided. (Ord. No. 92 §10, 4-12-60)

SECTION 700.150: COMPLAINTS ABOUT READINGS OF METERS OR BILLS

Any complaints about readings of water meters or computation of water bills or sewer bills shall be made to the Board of Aldermen and shall be made in writing and signed by the user and state the exact nature of the complaint. (Ord. No. 474 §6, 3-14-85)

SECTION 700.160: READING METERS

All water meters shall be read by a duly designated employee of the City of Marshfield on a periodic basis as determined by the Board of Aldermen of the City of Marshfield, but not less than once each calendar quarter, and the City employee reading said meters shall furnish to the City Collector of the City of Marshfield, an accurate record of all readings and the records of the readings shall be kept in the office of the City Collector. (Ord. No. 369 §6, 10-26-78; Ord. No. 472 §4, 2-28-85)

SECTION 700.170: VIOLATION -- PENALTY

Punishment for the violation of any of the provisions of this Chapter or the commission of any of the acts declared herein to be unlawful and to be an offense shall, upon conviction, be imprisonment not to exceed ninety (90) days or a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), or both such fine and imprisonment together with costs. (Ord. No. 474 §8, 3-14-85)

SECTION 700.180: SALES TAX IN ADDITION TO RATES

All sales taxes lawfully levied by units of government shall be in addition to the rates designated herein. (Ord. No. 472 §10, 2-28-85)

SECTION 700.190: INSPECTION BEFORE SEWER HOOKUP OUTSIDE CITY LIMITS

Any premises located outside the City limits of the City of Marshfield, Missouri, using sewerage services of the City of Marshfield shall be inspected by the City Building Inspector and must obtain and pay for the appropriate City plumbing permit(s) and the plumbing system on said premises and all part thereof, must be certified by said City Building Inspector to meet all of the applicable requirements of the City plumbing code then in effect prior to said premises being allowed to tap into any line of the Marshfield sewerage system. (Ord. No. 595 §12, 5-23-91; Ord. No. 746 §13, 8-10-95)

CHAPTER 705: WATER SYSTEM CROSS-CONNECTION CONTROL REQUIREMENTS

SECTION 705.010: PURPOSE

The purpose of this Chapter is:

1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
2. To promote the elimination, containment, isolation, or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and industrial-process systems.
3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems. (Ord. No. 567 §1-A, 12-14-89)

SECTION 705.020: APPLICATION

This Chapter shall apply to all premises served by the public potable water system of the City of Marshfield. (Ord. No. 567 §1-B, 12-14-89)

SECTION 705.030: POLICY

- A. This Chapter will be reasonably interpreted by the Water Purveyor. It is the Water Purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.
- B. The Water Purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The Water Purveyor and consumer are jointly responsible for preventing contamination of the water system.
- C. If, in the judgment of the Water Purveyor or his/her authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice of at least ten (10) days shall be given to the consumer. The

consumer shall immediately comply by providing the required protection at his/her own expense; and failure, refusal, or inability on the part of the consumer to provide such protection within said ten (10) day period shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

- D. If in the opinion of the Water Purveyor a serious hazard to the health of the citizens of the community is posed by a cross-connection, the City will discontinue the service immediately without the ten (10) day notice. All attempts will be made by the City to notify a customer as soon as possible so immediate corrective action can be taken. (Ord. No. 567 §1-C, 12-14-89)

SECTION 705.040: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Chapter:

AIR-GAP SEPARATION: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

AUXILIARY WATER SUPPLY: Any water source or system, other than the public water supply, that may be available in the building or premises.

BACKFLOW: The flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

BACKFLOW PREVENTION ASSEMBLY: Any double-check valve or reduced pressure principle backflow preventer having resilient-seated shut-off valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.

CONSUMER: The owner or person in control of any premises supplied by or in any manner connected to a public water system.

CONTAINMENT: Protection of the public water supply by installing a backflow prevention assembly or air-gap separation on the main service line to a facility.

CONTAMINATION: An impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

CROSS-CONNECTION: Any physical link between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

HAZARD, DEGREE OF: An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. *Hazard, health.* Any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
2. *Hazard, plumbing.* A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention assembly.
3. *Hazard, pollutional.* An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
4. *Hazard, system.* An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

INDUSTRIAL PROCESS SYSTEM: Any system containing a fluid or solution, which may be

chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional, or plumbing hazard if introduced into a potable water supply.

ISOLATION: Protection of a facility's internal plumbing system by installing a backflow prevention assembly, air-gap separation, or other backflow prevention device on an individual fixture, appurtenance, or system.

POLLUTION: The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

PUBLIC POTABLE WATER SYSTEM: Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

SERVICE CONNECTION: The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

WATER PURVEYOR: The owner, operator, or individual in responsible charge of a public water system. (Ord. No. 567 §2 and Appendix A, 12-14-89)

SECTION 705.050: CROSS-CONNECTIONS PROHIBITED

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the Water Purveyor, and as required by the laws and regulations of the Missouri Department of Natural Resources.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the Water Purveyor and the Missouri Department of Natural Resources.
- C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Water Purveyor as necessary for the protection of health and safety. (Ord. No. 567 §III, 12-14-89)

SECTION 705.060: SURVEY AND INVESTIGATIONS

- A. The consumer's premises shall be open at all reasonable times to the Water Purveyor, or his/her authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the Water Purveyor or his/her authorized representative, the consumer shall furnish information on water use practices within his/her premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his/her premises to determine whether there are actual or potential cross-connections to his/her water system through which contaminants or pollutants could backflow into his/her or the public potable water system. (Ord. No. 567 §IV, 12-14-89)

SECTION 705.070: TYPE OF PROTECTION REQUIRED

The type of protection required by this Chapter shall depend on the degree of hazard which exists, as follows:

1. An approved air-gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
2. An approved air-gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
3. An approved air-gap separation or an approved reduced pressure principle backflow prevention assembly or an approved double-check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a polluttional hazard not dangerous to health. (Ord. No. 567 §V, 12-14-89)

SECTION 705.080: WHERE PROTECTION IS REQUIRED

- A. An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the Water Purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- B. An approved air-gap separation or reduced pressure principle backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgment of the Water Purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:
 1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Water Purveyor and the Missouri Department of Natural Resources.
 2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
 3. Premises where entry is restricted so that inspection for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
 4. Premises having a repeated history of cross-connections being established or reestablished.
 5. Premises, which due to the nature of the enterprise therein, are subject to recurring modifications or expansion.
 6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 7. Premises where materials of a toxic or hazardous nature are handled such that if back siphonage or back pressure should occur, a serious health hazard may result.
- C. The types of facilities listed in Appendix A fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention assembly is required by the Water Purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Water Purveyor and the Missouri Department of Natural Resources. (Ord. No. 567 §VI, 12-14-89)

SECTION 705.090: BACKFLOW PREVENTION ASSEMBLIES

- A. Any backflow prevention assembly required to protect the facilities listed in Appendix A shall be of a model or construction approved by the Water Purveyor and the Missouri Department of Natural Resources.
 - 1. Air-gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one (1) inch.
 - 2. A double-check valve assembly or a reduced pressure principle backflow prevention assembly shall be approved by the Water Purveyor, and shall appear on the current "list of approved backflow prevention assemblies" established by the Missouri Department of Natural Resources.
- B. Existing backflow prevention assemblies approved by the Water Purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Chapter so long as the Water Purveyor is assured that they will satisfactorily protect the water system. Whenever the existing assembly is moved from its present location, or requires more than minimum maintenance, or when the Water Purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this Chapter. (Ord. No. 567 §VII, 12-14-89)

SECTION 705.100: INSTALLATION

- A. Backflow prevention assemblies required by this Chapter shall be installed at a location and in a manner approved by the Water Purveyor and shall be installed at the expense of the water consumer.
- B. Backflow prevention assemblies installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- C. Backflow prevention assemblies shall be located so as to be readily accessible for maintenance and testing, protected from freezing. No reduced pressure principle backflow prevention assembly shall be located where it will be submerged or subject to flooding by any fluid. (Ord. No. 567 §VIII, 12-14-89)

SECTION 705.110: INSPECTION AND MAINTENANCE

- A. It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this Chapter are installed to have inspection, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
 - 1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
 - 2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.
 - 3. Reduced pressure principle backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.
- B. Inspections, tests, and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention assembly tester.
- C. Whenever backflow prevention assemblies required by this Chapter are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- D. The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the Water Purveyor upon request.

- E. Backflow prevention assemblies shall not be by-passed, made inoperative, removed or otherwise made ineffective. (Ord. No. 567 §IX, 12-14-89)

SECTION 705.120: VIOLATIONS

- A. The Water Purveyor shall deny or discontinue, after due notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this Chapter is not installed, tested, and maintained in a manner acceptable to the Water Purveyor, or treated, and maintained in a manner acceptable to the Water Purveyor, or if it is found that the backflow prevention assembly has been removed or by-passed, or if an unprotected cross-connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Chapter to the satisfaction of the Water Purveyor. (Ord. No. 567 §X, 12-14-89)

APPENDIX A

TYPE OF FACILITIES REPRESENTING CROSS-CONNECTION HAZARDS

1. Aircraft and missile manufacturing plants;
2. Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;
3. Potable water dispensing stations which are served by a public water system;
4. Beverage bottling plants including dairies and breweries;
5. Canneries, packing houses and reduction plants;
6. Car washes;
7. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions;
8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities;
9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;
10. Plants manufacturing paper and paper products;
11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;
12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;
13. Plants processing, blending or refining animal, vegetable or mineral oils;
14. Commercial laundries and dye works;
15. Sewage, stormwater and industrial waste treatment plants and pumping stations;
16. Waterfront facilities including piers, docks, marinas and shipyards;
17. Industrial facilities which recycle water;
18. Restricted or classified facilities or other facilities closed to the supplier of water or the department;
19. Fire sprinkler systems using any chemical additives;
20. Auxiliary water systems;
21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure;
22. Portable tanks for transporting water taken from a public water system; and

23. Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems. (Ord. No. 567 Appendix B, 12-14-89)

CHAPTER 710: SEWER TREATMENT SYSTEM

ARTICLE I. GENERAL PROVISIONS

SECTION 710.010: PURPOSE AND POLICY

- A. This Chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Marshfield and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).
- B. The objectives of this Chapter are:
1. To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 4. To provide for equitable distribution of the cost of the municipal wastewater system.
- C. This Chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- D. This Chapter shall apply to the City of Marshfield and to persons outside the City who are, by contract or agreement with the City, users of the City POTW. Except as otherwise provided herein, the Superintendent of the City POTW shall administer, implement, and enforce the provisions of this Chapter. (Ord. No. 414 §1.1, 9-25-80; Ord. No. 574 §1.1, 5-10-90)

SECTION 710.020: DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

ACT OR "THE ACT": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

APPROVAL AUTHORITY: The Director in an NPDES state with an approved State pretreatment program and the Administrator of the EPA in a non-NPDES State or NPDES State without an approved State pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER: An authorized representative of an industrial user may be:

1. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
2. A general partner or proprietor if the industrial user is a partnership or proprietorship,

respectively;

3. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees Centigrade (20° C) expressed in terms of weight and concentration (milligrams per liter [mg/l]).

BUILDING SEWER: A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS: National Categorical Pretreatment Standards or Pretreatment Standard.

CITY: The City of Marshfield or the Board of Aldermen of Marshfield, Missouri.

COOLING WATER: The water discharged from any use such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

COMPATIBLE POLLUTANT: Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, where the publicly-owned treatment work is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.

CONTROL AUTHORITY: The term "control authority" shall refer to the "approval authority", defined hereinabove; or the Superintendent if the City has an approved pretreatment program under the provisions of 40 CFR, 403.11.

DIRECT DISCHARGE: The discharge of treated or untreated wastewater directly to the waters of the State of Missouri.

ENVIRONMENTAL PROTECTION AGENCY, OR EPA: The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

GRAB SAMPLE: A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INCOMPATIBLE POLLUTANT: All pollutants other than "compatible pollutants" as defined in this Section.

INDIRECT DISCHARGE: The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER: A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act. (33 R.S.C. 1342).

INTERFERENCE: The inhibition or disruption of the POTW processes or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act. (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT

STANDARD: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE

STANDARD: Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

NEW SOURCE: Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the Standard.

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTION: The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

PRETREATMENT OR TREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

PUBLICLY OWNED TREATMENT WORKS (POTW): A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

POTW TREATMENT PLANT: That portion of the POTW designed to provide treatment to wastewater.

SHALL: Is mandatory; **MAY:** Is permissive.

SIGNIFICANT INDUSTRIAL USER: Any industrial user of the City's wastewater disposal system who:

1. Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day; or
2. Has a flow greater than five percent (5%) of the flow in the City's wastewater treatment system; or
3. Has in his/her wastes toxic pollutants as defined pursuant to Section 307 of the Act of Missouri Statutes and rules; or
4. Is found by the City (State Control Agency) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

STATE: State of Missouri.

STANDARD INDUSTRIAL CLASSIFICATION (SIC): A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STORMWATER: Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

SUPERINTENDENT: The person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this Chapter, or his/her duly authorized representative.

TOXIC POLLUTANT: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

USER: Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

WASTEWATER: The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WATERS OF THE STATE: All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifer, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

WASTEWATER CONTRIBUTION PERMIT: As set forth in Section 710.150 of this Chapter. (Ord. No. 414 §1.2, 9-25-80; Ord. No. 574 §1.2, 5-10-90)

SECTION 710.030: ABBREVIATIONS

The following abbreviations shall have the designated meanings:

BOD	-	Biochemical oxygen demand
CFR	-	Code of Federal Regulations
COD	-	Chemical oxygen demand
EPA	-	Environmental Protection Agency
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination system
POTW	-	Publicly owned treatment works
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC	-	United States Code
TSS	-	Total suspended solids

(Ord. No. 414 §1.3, 9-25-80; Ord. No. 574 §1.3, 5-10-90)

ARTICLE II. REGULATIONS

SECTION 710.040: GENERAL DISCHARGE PROHIBITIONS

- A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or

wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A user may not contribute the following substances to any POTW:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point in the system be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the City, the State or EPA has notified the user is a fire hazard or a hazard to the system.
2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: Grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
3. Any wastewater having a pH less than five (5.0), unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
7. Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
8. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty degrees centigrade (40° C) (104 ° F)

unless the POTW treatment plant is designed to accommodate such temperature.

10. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
 11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
 12. Any wastewater which causes a hazard to human life or creates a public nuisance.
- B. When the Superintendent determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent shall:
1. Advise the user(s) of the impact of the contribution on the POTW; and
 2. Development effluent limitation(s) for such user to correct the interference with the POTW. (Ord. No. 414 §2.1, 9-25-80; Ord. No. 574 §2.1, 5-10-90)

SECTION 710.050: FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed by or under this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Ord. No. 414 §2.2, 9-25-80; Ord. No. 574 §2.2, 5-10-90)

SECTION 710.060: MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "*Consistent removal*" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained. (Ord. No. 414 §2.3, 9-25-80; Ord. No. 574 §2.3, 5-10-90)

SECTION 710.070: SPECIFIC POLLUTANT LIMITATIONS

No person shall discharge wastewater containing in excess of:

- 1.0 mg/l arsenic
- 1.2 mg/l cadmium
- 4.5 mg/l copper
- 1.9 mg/l cyanide
- 0.6 mg/l lead

0.5 mg/l mercury
7.0 mg/l nickel
1.2 mg/l silver
1.9 mg/l total chromium
4.2 mg/l zinc
1.5 mg/l total identifiable chlorinated hydrocarbons
4.2 mg/l phenolic compounds which cannot be removed by the City's wastewater treatment processes. (Ord. No. 414 §2.4, 9-25-80; Ord. No. 574 §2.4, 5-10-90)

SECTION 710.080: STATE REQUIREMENTS

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Chapter. (Ord. No. 414 §2.5, 9-25-80; Ord. No. 574 §2.5, 5-10-90)

SECTION 710.090: CITY'S RIGHT OF REVISION

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 710.010 of this Chapter. (Ord. No. 414 §2.6, 9-25-80; Ord. No. 574 §2.6, 5-10-90)

SECTION 710.100: EXCESSIVE DISCHARGE

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State. (*Comment:* Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 710.040, et seq., the pH prohibition.) (Ord. No. 414 §2.7, 9-25-80; Ord. No. 574 §2.7, 5-10-90)

SECTION 710.110: ACCIDENTAL DISCHARGES

- A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after September 25, 1980, shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- B. *Written Notice.* Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall

such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

- C. *Notice To Employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. No. 414 §2.8, 9-25-80; Ord. No. 574 §2.8, 5-10-90)

ARTICLE III. FEES

SECTION 710.120: PURPOSE

It is the purpose of this Chapter to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees. (Ord. No. 414 §3.1, 9-25-80)

SECTION 710.130: CHARGES AND FEES

- A. The City may adopt charges and fees which may include:
1. Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
 2. Fees for monitoring, inspections and surveillance procedures;
 3. Fees for reviewing accidental discharge procedures and construction;
 4. Fees for permit applications;
 5. Fees for filing appeals;
 6. Fees for consistent removal (by the City) of pollutants otherwise subject to Federal Pretreatment Standards;
 7. Other fees as the City may deem necessary to carry out the requirements contained herein.
- B. These fees relate solely to the matters covered by this Chapter and are separate from all other fees chargeable by the City. (Ord. No. 414 §3.2, 9-25-80; Ord. No. 574 §3.1, 5-10-90)

ARTICLE IV. ADMINISTRATION

SECTION 710.140: WASTEWATER DISCHARGERS

It shall be unlawful to discharge without a City permit to any natural outlet within the City of Marshfield, or in any area under the jurisdiction of said City, and/or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Chapter. (Ord. No. 414 §4.1, 9-25-80; Ord. No. 574 §4.1, 5-10-90)

SECTION 710.150: WASTEWATER CONTRIBUTION PERMITS

- A. *General Permits.* All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within one hundred eighty (180) days after September 25, 1980.
- B. *Permit Application.* Users required to obtain a Wastewater Contribution Permit shall complete

and file with the City, an application in the form prescribed by the City, (and accompanied by a fee of \$15.00). Existing users shall apply for a Wastewater Contribution Permit within thirty (30) days after September 25, 1980, and proposed new users shall apply at least ninety (90) days prior to connection to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and location (if different from the address);
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3. Wastewater constituents and characteristics including but not limited to those mentioned in Article II of this Chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
4. Time and duration of contribution;
5. Average daily and three (3) minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
7. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
9. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - b. No increment referred to in Subparagraph (a) shall exceed nine (9) months.
 - c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.
10. Each product produced by type, amount, process or processes and rate of production;
 11. Type and amount of raw materials processed (average and maximum per day);
 12. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 13. Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater

Contribution Permit subject to terms and conditions provided herein.

- C. *Permit Modifications.* Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Subsection (B) hereof, the user shall apply for a Wastewater Contribution Permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Contribution Permit shall submit to the Superintendent within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Subsection (B)(8-9).
- D. *Permit Conditions.* Wastewater Discharge Permits shall be expressly subject to all provisions of this Chapter and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:
1. The unit charge or Schedule of User Charges and Fees for the wastewater to be discharged to a community sewer;
 2. Limits on the average and maximum wastewater constituents and characteristics;
 3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 4. Requirements for installation and maintenance of inspection and sampling facilities;
 5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 6. Compliance schedules;
 7. Requirements for submission of technical reports or discharge reports (see Section 710.160 of this Code);
 8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
 9. Requirements for notification of the City or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 10. Requirements for notification of slug discharges as per Section 710.220;
 11. Other conditions as deemed appropriate by the City to ensure compliance with this Chapter.
- E. *Permits Duration.* Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Article II are modified or other just cause exists. The user shall be informed of any proposed changes in his/her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- F. *Permit Transfer.* Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (Ord. No. 414 §§4.2.1-4.2.6, 9-25-80; Ord. No. 574 §4.2, 5-10-90)

SECTION 710.160: REPORTING REQUIREMENTS FOR PERMITTEE

- A. *Compliance Date Report.* Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.
- B. *Periodic Compliance Reports.*
1. Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Superintendent, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Subsection (A) of this Section. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.
 2. The Superintendent may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subparagraph (1) of this Subsection shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(q) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. (Ord. No. 414 §4.3, 9-25-80; Ord. No. 574 §4.3, 5-10-90)

SECTION 710.170: MONITORING FACILITIES

- A. The City shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City. (Ord. No. 414 §4.4, 9-25-80; Ord. No. 574 §4.4, 5-10-90)

SECTION 710.180: INSPECTION AND SAMPLING

The City shall inspect the facilities of any user to ascertain whether the purpose of this Chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The City, Approval Authority and (where the NPDES State is the Approval Authority), the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (Ord. No. 414 §4.5, 9-25-80; Ord. No. 574 §4.5, 5-10-90)

SECTION 710.190: PRETREATMENT

- A. Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.
- B. The City shall annually publish in the Marshfield Mail newspaper a list of the users which were not in compliance with any Pretreatment Requirements or Standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.
- C. All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request. (Ord. No. 414 §4.6, 9-25-80; Ord. No. 574 §4.6, 5-10-90)

SECTION 710.200: CONFIDENTIAL INFORMATION

- A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- B. When requested by the person furnishing a report, the portions of a report which might disclose

trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

- C. Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten (10) day notification is given to the user. (Ord. No. 414 §4.7, 9-25-80; Ord. No. 574 §4.7, 5-10-90)

ARTICLE V. ENFORCEMENT AND PENALTIES

SECTION 710.205: ADMINISTRATIVE ENFORCEMENT AND REMEDIES -- NOTICE OF VIOLATION

Whenever the Superintendent (or his/her agent) finds that any industrial user has violated, or is violating this Chapter, a wastewater permit, or any order issued hereunder, the Superintendent (or his/her agent) shall, with due diligence, serve, or cause to be served, upon said user a written notice of violation. Within ten (10) days of the receipt date of this notice, the industrial user shall prepare a written explanation of the violation and a written plan for the satisfactory correction and future prevention of said violation which shall include specific required actions and dates of implementation and shall be signed and submitted in writing to the Superintendent. Submission of said plan in no way relieves the industrial user of liability for any violation occurring before or after receipt of the notice of violation. All such violations shall be resolved no later than thirty (30) days after service of the notice of violation, unless additional time for corrective action is granted in a consent agreement between the Board of Aldermen and the industrial user. (Ord. No. 629 §1(5.0.1), 11-12-92)

SECTION 710.210: CONSENT AGREEMENT

The Board of Aldermen is hereby empowered to enter into consent agreements, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the non-compliance. Such consent agreement shall include specific action to be taken by the industrial user to correct the non-compliance within a time period also specified by the order. If the written explanation of the violation and written plan for satisfactory correction and future prevention of the violation is found to be satisfactory by the Superintendent (or his/her agent), said plan shall be incorporated into a written consent agreement (which said consent agreement may provide, if reasonably necessary, for a specified amount of additional time beyond thirty (30) days in order to implement all aspects of said plan) signed by the industrial user (or his/her or its authorized agent) and shall be submitted at the next regular meeting of the Board of Aldermen for its approval or disapproval. If said consent agreement is approved by the Board of Aldermen, duplicate original copies of the consent agreement shall be signed by both the Mayor (or Mayor pro tem), on behalf of the City, and resigned by appropriate officials on the part of the industrial user. Duplicate originals of the consent agreement shall be executed, and both the City and the industrial user shall maintain in their permanent files a duplicate original of said consent agreement. A consent agreement may be directly enforced by judicial remedies without further administrative proceedings. If the proposed consent agreement is not approved by the Board of Aldermen, or if the plan submitted by the industrial user is not satisfactory, or if the industrial user submits no plan to the City by the due date, then an

abatement order shall be issued by the Superintendent (or his/her agent) and served upon the industrial user by the Marshfield Police Department. (Ord. No. 629 §1(5.0.2), 11-12-92)

SECTION 710.215: ABATEMENT ORDER

When the Superintendent (or his/her agent), or the Board of Aldermen finds that an industrial user has violated or continues to violate the ordinance, or wastewater permit, or orders issued thereunder after the receipt of notice of violation, then the Superintendent shall issue an abatement order, which said order shall be served by the Marshfield Police Department on the industrial user. Said abatement order shall be directed to the industrial user responsible for the violation and shall direct that following a specified time period set forth in the abatement order following a show cause hearing, that sewer and/or water service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operating and that the violation is, in fact, no longer continuing. Abatement orders may also contain such other requirements as may be reasonably necessary and appropriate to address the non-compliance, including the installation and/or utilization of pre-treatment technology, additional self-monitoring, and management practices. The abatement order shall, on its face, give the time and date of a show cause hearing to be held by the Board of Aldermen wherein the industrial user shall be given the opportunity to show any cause which it might have for not being disconnected from the sewer and/or water service of the City. At the show cause hearing, the specified time for disconnection of sewer service may be extended, and the requirements of the abatement order may be modified only by a written consent agreement entered into between the industrial user and the Board of Aldermen, which said written consent agreement shall follow all of the requirements both substantively and procedurally as previously set forth herein. A written consent agreement may be tendered to the Board of Aldermen by the industrial user prior to the show cause hearing. (Ord. No. 629 §1(5.0.3), 11-12-92)

SECTION 710.220: SHOW CAUSE HEARING

A notice shall be served upon the industrial user specifying the time and place of a show cause hearing to be held by the Board of Aldermen regarding the violation, and the proposed enforcement action, and directing the industrial user to show cause before the Board of Aldermen why the proposed enforcement action should not be taken. Notice of hearing shall be contained in the abatement order which shall be served personally, or by certified mail (return receipt requested) at least fifteen (15) days before the hearing. Service may be made on any agent or officer, or management or administrative employee of an industrial user. An industrial user may appeal an abatement order issued by the Superintendent (or his/her agent) pursuant to Section 710.210 hereof. At the show cause hearing, the burden of proof shall be upon the industrial user to establish by a preponderance of the evidence that the terms of the abatement order issued by the Superintendent (or his/her agent) are unreasonable, an abuse of discretion by the Superintendent, or that, in fact, the industrial user has not violated and is not violating any terms of this Chapter, a wastewater permit or order issued hereunder, or any State or Federal laws or regulations. Both the Superintendent (or his/her agent) and the industrial user shall be entitled to be represented by counsel at the show cause hearing and an electronic recording of all of the evidence at the show causing hearing shall be made by the City clerk and the City Clerk shall retain and file all exhibits at said hearing. The electronic recording of said testimony shall be the property of the Board of Aldermen.

At the request of either the Board of Aldermen, or the industrial user, three (3) transcripts of said recorded testimony shall be prepared and the cost of said transcript shall be borne equally by the industrial user and the Board of Aldermen. If a transcript is prepared, a copy of said transcript will be made available to any member of the public, or to any party to the hearing upon the

payment of the usual charges for said copy. If, at the conclusion of the evidence, the Board of Aldermen finds that an industrial user has violated or continues to violate this Chapter, or any permit or order issued hereunder, or any State or Federal law or regulation, the Board of Aldermen may do the following:

1. Modify the terms of the abatement order; enter into a consent agreement with the industrial user; or order the enforcement of the abatement order by issuing a cease and desist order for the violation(s). The general nature of the show cause hearing shall be an appeal from the terms of the abatement order issued by the Superintendent (or his/her agent). After service upon the industrial user of the abatement order, the burden of applying for a show cause hearing is on the industrial user and must be made in writing by the industrial user and served upon the City Clerk, or her duly authorized agent, at the Marshfield City Hall, no later than ten (10) days from the date of service of the abatement order on the industrial user. Upon the receipt of an application from an industrial user for a show cause hearing, the show cause hearing must be held by the Board of Aldermen no less than fifteen (15) days nor more than thirty (30) days from the date of the service of the abatement order upon the industrial user.
2. The show cause hearing shall be open to the public. If, at the conclusion of the show cause hearing, a cease and desist order is issued by the Board of Aldermen, the industrial user shall abide by all terms of said cease and desist order within seven (7) days of the date of the show cause hearing. (Ord. No. 629 §1(5.0.4), 11-12-92)

SECTION 710.225: CEASE AND DESIST ORDER -- SUSPENSION OF SERVICE

After the Board of Aldermen has reviewed the evidence, if it finds the industrial user responsible for the violation(s) it may issue a cease and desist order to the industrial user directing that, following a specified time period (not longer than seven (7) days), sewer services will be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed on existing treatment facilities, or devices or other related appurtenances are being properly operated in such a way as to in fact abate the violation. In the cease and desist order the Board of Aldermen is empowered to make such additional orders and directives as are necessary and appropriate to abate the violation(s) of the industrial user. Violation of a cease and desist order by an industrial user shall result in the City seeking appropriate judicial remedies as provided in this Article. (Ord. No. 629 §1(5.0.5), 11-12-92)

SECTION 710.230: EMERGENCY SUSPENSIONS OF SERVICE

The Superintendent (or his/her agent) may immediately suspend the wastewater treatment service and/or municipal water service and/or the wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge which may cause an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment. Such emergency suspensions of service may include the actual physical obstruction and/or disconnection of the industrial user from municipal water and/or sewer lines. (Ord. No. 629 §1(5.0.6), 11-12-92)

SECTION 710.235: NOTICE

The Superintendent (or his/her agent) shall immediately notify the industrial user of such emergency suspension by written notice which shall be served upon the industrial user by the Marshfield Police Department. Any user notified of a suspension of wastewater treatment service and/or municipal water service and/or the wastewater permit shall immediately stop and totally eliminate its contribution or discharge into the municipal system. In the event of a user's

failure to immediately comply voluntarily with the suspension order, the Superintendent (or his/her agent) shall take such steps as deemed necessary, including immediate physical interruption of the water or sewer service to prevent or minimize damage to the POTW, its receiving stream, or endangerment to the health or welfare of persons. The Superintendent (or his/her agent) shall allow the user to recommence its discharge when the endangerment, or threat thereof, has passed, unless other proceedings set forth in this Article are or have been initiated against the user. (Ord. No. 629 §1(5.0.7), 11-12-92)

SECTION 710.240: REVIEW BY BOARD OF ALDERMEN

- A. Emergency suspension of service by the Superintendent (or his/her agent) shall be reviewed by the Board of Aldermen at the next regularly scheduled meeting of the Board of Aldermen, or at a special meeting of the Board of Aldermen held for the purpose of said review prior to the next regular meeting of the Board of Aldermen. The Superintendent (or his/her agent) shall appear at said review and present to the Board of Aldermen the facts upon which the emergency suspension of service was based and the actions taken by the Superintendent (or his/her agent) to accomplish the emergency suspension of service and whether the user has violated the emergency suspension of service. At the review, if service has not recommenced, the Board of Aldermen may do any of the following:
1. Order physical severance of service;
 2. Order restoration of service after compliance with the terms of any consent agreement presented to the Board by the Superintendent and industrial user;
 3. Revoke the wastewater permit of an industrial user;
 4. Order the Superintendent to issue an abatement order; or
 5. Modify the wastewater permit of an industrial user to prevent any future noncompliance.
 6. Order restoration of service.
- B. Sufficient grounds for emergency suspension of service shall exist if the actual or threatened discharge of the industrial user may reasonably cause interference to the POTW, endangerment to the health or welfare of persons, or may cause the City to violate any condition of its NPDES permit. The City shall reinstate the wastewater contribution permit of the industrial user and/or the wastewater treatment service and/or the municipal water service of the industrial user upon proof of elimination of the non-complying discharge or threat of discharge. A detailed written statement submitted by the industrial user describing the causes of the non-complying discharge or threatened non-complying discharge and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of the occurrence and prior to any restoration of service. (Ord. No. 629 §1(5.0.6.2), 11-12-92)

SECTION 710.245: REVOCATION OF DISCHARGE PERMIT

Any user who violates the following conditions of this Chapter, or a wastewater discharge permit or order, or consent agreement with the City, or any applicable State or Federal law, is subject to permit revocation if:

1. The industrial user discharges in violation of permit conditions;
2. The industrial user fails to accurately and timely report the wastewater constituents and characteristics of its discharge;
3. The industrial user fails to accurately and timely report significant changes in operations or wastewater constituents and characteristics;
4. The industrial user refuses to provide the Superintendent (or his/her agent) reasonable immediate access to the user's premises for the purpose of inspection, review of the user's records, ongoing monitoring, or ongoing sampling.

Industrial users in violation of the above provisions will be served with notice in writing of the

proposed termination of their wastewater permit and of the date, time and place of a show cause hearing by the Board of Aldermen where the industrial user will be afforded the opportunity to show why its wastewater discharge permit should not be revoked. (Ord. No. 629 §1(5.0.7), 11-12-92)

SECTION 710.250: PERMANENT TERMINATION AND SEVERANCE OF SERVICE

When, after a show cause hearing according to the provisions of Section 710.220 of this Article, the Board of Aldermen finds that an industrial user has committed any of the following violations, the Board of Aldermen may order permanent severance of wastewater treatment service and permanent termination of the user's wastewater discharge permit:

1. Failure to apply for a permit after notice by the City;
2. Recurring significant harmful discharges in excess of that allowed by the wastewater discharge permit;
3. Repeated failure to report spills;
4. Falsification of reports;
5. Evidence of intent to improperly sample;
6. Recurring failure to install monitoring equipment in violation of an abatement order;
7. Missed compliance schedule dates by more than thirty (30) days, with no good cause for delay;
8. Recurring violation of compliance schedule in permit;
9. Recurring dilution of waste stream in lieu of treatment;
10. Recurring illegal discharge in violation of an abatement order or any other order issued pursuant to the terms of this Article.
11. Recurring violation of the terms of a consent agreement entered into between the industrial user and the City.
12. Violation of an order of emergency suspension of service. (Ord. No. 629 §1(5.0.8), 11-12-92)

SECTION 710.255: JUDICIAL REMEDIES

If any person or industrial user discharges sewage, industrial wastes, or other wastes into the wastewater disposal system of the City contrary to the provisions of this Article, or any order, permit or consent agreement issued or entered into hereunder, the Board of Aldermen, may authorize the City Attorney (or special counsel) to commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction. The City may petition the court for the issuance of a temporary restraining order or permanent injunction, or both, as may be appropriate, which restrains or compels the activities on the part of the industrial user, and may seek judgment for damages, costs and expenses incurred by the City in seeking such judicial remedy, and civil penalties as provided under State or Federal law, or this Article. (Ord. No. 629 §1(5.1.0), 11-12-92)

SECTION 710.260: CIVIL PENALTIES

If any industrial user has violated or continues to violate this Chapter or any order or permit issued hereunder, or the terms of any consent agreement entered into between the industrial user and the City, the Board of Aldermen, through counsel, shall petition the Court for a civil penalty of not more than the maximum allowable under State law, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Board may seek to recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and

monitoring expenses. The Board of Aldermen may petition the court to impose, assess, recover and give judgment for such sums. In determining the amount of liability, the Board, through counsel, and the court shall take into account all the relevant circumstances, including, but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the industrial user, and any other factors as justice may require. (Ord. No. 629 §1(5.1.1), 11-12-92)

SECTION 710.265: CRIMINAL PROSECUTION

If any industrial user willfully or negligently violates any provision of this Chapter, or any orders or permits issued hereunder, or the terms of any consent agreement entered into between the industrial user and the Board of Aldermen, the Board of Aldermen, through counsel, may seek criminal prosecution of the industrial user, its officers, directors, and employees, in accordance with Section 644.076, RSMo. (Ord. No. 629 §1(5.1.2), 11-12-92)

SECTION 710.270: TREATMENT BYPASSES

- A. A bypass of the treatment system by an industrial user is prohibited unless all of the following conditions are met:
 - 1. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - 2. There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
 - 3. The industrial user properly notified the Superintendent (or his/her agent) as described in the following paragraph.
- B. Industrial users must provide immediate notice to the Superintendent (or his/her agent) upon discovery of an unanticipated bypass. The Superintendent (or his/her agent) may require the industrial user to submit a written report explaining the cause(s), nature and duration of the bypass, and the steps being taken to prevent its recurrence.
- C. An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to insure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the Superintendent (or his/her agent) at least ten (10) working days in advance. The Superintendent (or his/her agent) may only approve the anticipated bypass if the circumstances satisfy those set forth in Subsection (A) above.
- D. Any bypass authorized by the Superintendent (or his/her agent) shall be authorized in writing and shall be reviewed by the Board of Aldermen at the next regularly scheduled meeting of the Board of Aldermen.
- E. Any unauthorized bypass by an industrial user shall be reviewed by the Superintendent (or his/her agent) who shall make a recommendation to the Board of Aldermen on the enforcement action that should be taken. The Board shall concur with or modify such recommendation and shall direct such action as the Board deems appropriate. (Ord. No. 629 §1(5.1.2), 11-12-92)

CHAPTER 713: USER CHARGE SYSTEM

SECTION 713.010: PURPOSE

It is determined and declared to be necessary and conducive to the protection of the public

health, safety, welfare and convenience of the City to collect charges from all users who use the City's water system. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public water system. (Ord. No. 1020 Art. I, 6-25-03; Ord. No. 1041 Art. I, 11-6-03)

SECTION 713.020: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

OPERATION AND MAINTENANCE: All expenditures during the useful life of the system for materials, labor, utilities and other items which are necessary for managing and maintaining the system to achieve the capacity and performance for which system was designed and constructed.

REPLACEMENT: Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the system to maintain the capacity and performance for which such works were designed and constructed. The term "*operation and maintenance*" includes replacement.

RESIDENTIAL USER: Any user of the City's water system whose lot, parcel of real estate or building is used for domestic dwelling purposes only.

SHALL: Is mandatory; *MAY:* Is permissive.

USEFUL LIFE: The estimated period during which the treatment works will be operated.

USER CHARGE: That portion of the total water service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the water system.

WATER METER: A water volume measuring and recording device furnished and/or installed by the City of Marshfield or furnished and/or installed by a user and approved by the City of Marshfield.

WATER SYSTEM: Any devices and systems for the storage, treatment, recycling, transmission and distribution of water. These include transmission and distribution lines, individual systems, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable water supply such as standby treatment units and any works, including site acquisition of land, that will be part of the treatment process. (Ord. No. 1020 Art. II, 6-25-03; Ord. No. 1041 Art. II, 11-6-03)

SECTION 713.030: REVENUES TO PAY COST OF ANNUAL OPERATION

- A. The user charge system shall generate adequate annual revenues to pay the costs of annual operation and maintenance, including replacement, and cost associated with debt retirement of bonded capital associated with financing the water system which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement, of the water system shall be established by this Chapter.
- B. That portion of the total user charge collected which is designated for the operation and maintenance including replacement purposes as established in Section 713.040, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:
 1. The Operation and Maintenance Account shall be an account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the water system. Deposits in the Operation and Maintenance Account shall be made annually from the operation and maintenance revenue in the amount of twenty-eight thousand eight hundred forty-one dollars (\$28,841.00) annually.
 2. The Replacement Account shall be an account designated for the purpose of ensuring

replacement needs over the useful life of the water system. Deposits in the Replacement Account shall be made annually from the replacement revenue in the amount of twenty-eight thousand eight hundred forty-one dollars (\$28,841.00) annually.

- C. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in each subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed. (Ord. No. 1020 Art. III, 6-25-03; Ord. No. 1041 Art. III, 11-6-03)

SECTION 713.040: PAYMENT FOR SERVICES

- A. Each user shall pay for the services provided by the City based on their use of the water system as determined by water meter(s) acceptable to the City.
- B. All monthly user charges will be based on monthly water usage.
- C. The minimum charge per month shall be six dollars fifty-four cents (\$6.54). In addition, each user shall pay a user unit charge for operation and maintenance including replacement of one dollar eighty-four cents (\$1.84) per one thousand (1,000) gallons of water as determined in the preceding Section.
- D. Every user of water from the municipal water system of the City of Marshfield which is located outside the municipal limits of the City of Marshfield shall pay a minimum charge per month in the amount of thirteen dollars eight cents (\$13.08). In addition, each user located outside the municipal limits of the City of Marshfield shall pay a user unit charge for operation and maintenance including replacement of three dollars sixty-eight cents (\$3.68) per one thousand (1,000) gallons of water as determined in the preceding Section. (Ord. No. 1020 Art. IV, 6-25-03; Ord. No. 1041 Art. IV, 11-6-03; Ord. No. 1317 §§1--4, 1-24-08)

SECTION 713.050: BILLING

- A. All users shall be billed the first (1st) day of each month. Bills shall be delinquent after the fifteenth (15th) day of the month.
- B. A penalty of ten percent (10%) shall be applied to delinquent bills. Any bill that remains unpaid after the twentieth (20th) day of the month shall subject the property owner/renter to a disconnection of service and an additional ten dollar (\$10.00) charge.
- C. Before any disconnected location is reconnected back to the municipal water system, a charge of ten dollars (\$10.00) shall be paid to the City of Marshfield for the cost of said reconnection, unless said reconnection is made after normal business hours (between the hours of 4:00 P.M. and Midnight and between the hours of Midnight and 8:00 A.M. on any weekday, on any Saturday, on any Sunday, and on any holiday as declared by the Board of Aldermen of the City of Marshfield, Missouri) then the charge to reconnect to the municipal water system shall be twenty-five dollars (\$25.00) to be paid prior to said reconnection. (Ord. No. 1020 Art. V, 6-25-03; Ord. No. 1041 Art. V, 11-6-03)

SECTION 713.060: REVIEW

- A. The City shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the

proportional distribution of operation and maintenance, including replacement, costs among users and user classes.

- B. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance, including replacement, of the treatment works. (Ord. No. 1020 Art. VI, 6-25-03; Ord. No. 1041 Art. VI, 11-6-03)

CHAPTER 715: GAS SERVICE

SECTION 715.010: GAS FRANCHISE TAX

The Grantee, under any franchise agreement, shall not later than February first (1st) and August first (1st) respectively of each year make a report to the governing body of the City of Marshfield of its gross receipts from the sale of gas for domestic and commercial purposes within the corporate limits of said City for the six (6) months period ending at the last meter reading preceding December thirty-first (31st) and June thirtieth (30th) respectively; and at the time of making such reports, pay into the City Treasury a sum equal to five percent (5%) of said gross receipts subsequent to the effective date of this franchise, which shall be charged to the operating expenses of the company. Domestic and commercial sales shall be considered as sales made other than on special contracts providing for standby fuel and interruption of service at any time demands of domestic and commercial consumers may so require. Said percentage of Grantee's gross receipts is hereby levied and assessed as an occupation and license tax for the privilege of engaging in the business herein recited during the term hereof; and as a further consideration for this franchise, Grantee agrees to recognize the same as a valid tax and make said payments during such period. (Ord. No. 181 §4, 1-10-67)

CHAPTER 720: TELEPHONE SERVICE

Editor's Note--Ordinance Number 1216 was passed in compliance with HB209 of the 2006 Missouri legislative session. Provisions contained in HB209 were subsequently deemed unconstitutional by the Missouri Supreme Court on August 8, 2006 in City of Springfield, Appellant V Sprint Spectrum, L.P., Respondent Case No. SC87238. Consequently, we have not included the provisions of ord. no. 1216 in section 720.010 hereof.

SECTION 720.010: LICENSE TAX -- PERCENTAGE OF GROSS RECEIPTS

Every person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service in the City of Marshfield shall pay the said City as an annual license tax, five percent (5%) of the gross receipts derived from furnishing such service, exclusive of long distance service, within said City. (Ord. No. 303 §1, 2-27-76)

SECTION 720.020: STATEMENT OF GROSS RECEIPTS -- PAYMENT OF TAX

All such persons, firms, companies, or corporations described in Section 720.010 hereof shall file with the City Collector of said City, a sworn statement of the gross receipts, exclusive of long distance service, of such persons, firms, companies or corporations, derived from exchange telephone service. Such statements and payments shall be due and made on the last day of July, October, January and April, for the gross receipt derived from exchange telephone service,

excluding long distance service, during the preceding three (3) months. Such payment shall be a license to operate for the calendar quarter in which such payment is made. Gross receipts derived from the furnishing of such service to the said City of Marshfield or other governmental unit in said City, shall not be included in the foregoing statement, nor shall any tax be due on such gross receipts. (Ord. No. 303 §2, 2-27-76)

SECTION 720.030: PAYMENTS SHALL BE IN LIEU OF OTHER CHARGES

The payments required by the provisions of this Chapter shall be in lieu of all other excises, charges, exactions, rentals, impositions, or other license or occupation taxes heretofore imposed upon any person, firm, company or corporation engaged in the business described in Section 720.010 of this Chapter; but nothing herein contained shall be construed to exempt such person, firm, company or corporation from any general or special ad valorem tax imposed upon the public generally by the City. (Ord. No. 303 §3, 2-27-76)

SECTION 720.040: TEMPORARY REMOVAL, RAISING OR LOWERING OF WIRES

All such persons, firms, companies or corporations mentioned in Section 720.010 of this Chapter, on the request of any person shall remove, or raise, or lower its wires temporarily to permit the moving of housing or other bulky structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting such removal, raising, or lowering of wires, and payment in advance may be required. No less than forty-eight (48) hours advance notice shall be given to arrange for such temporary wire changes. (Ord. No. 303 §4, 2-27-76)

SECTION 720.050: TREE TRIMMING

The right is hereby granted to all such persons, firms, companies or corporations mentioned in Section 720.010 of this Chapter, to trim trees, brush, or hedges upon and overhanging the streets, alleys, sidewalks, and public places of said City, so as to prevent such foliage from coming in contact with telephone wires and cables, all of said trimming to be done under the supervision and direction of the governing body of this City, or any City official to whom said duties have been or may be delegated. (Ord. No. 303 §5, 2-27-76)

CHAPTER 725: ELECTRIC SERVICE

SECTION 725.010: FRANCHISE TAX

- A. On or before the fifteenth (15th) day of January in each and every year hereafter, the Grantee shall pay to the municipality in cash an amount equal to three percent (3%) of the aggregate sum received by the Grantee during the six (6) months ending with the thirty-first (31st) day of December of the previous calendar year, for electric energy furnished under the Grantee's rate schedule for gross City revenue service to residential and commercial customers and excluding industrial customers within the corporate limits of the municipality, and that on or before the fifteenth (15th) day of July in each and every year hereafter, the Grantee shall pay to the municipality in cash three percent (3%) of the aggregate sum received by the Grantee, during the six (6) months ending with the thirtieth (30th) day of June of the year in which such payment is made, for such electric energy furnished under the Grantee's schedule for gross City revenue service to residential and commercial customers and excluding industrial customers within the

corporate limits of the municipality.

- B. That the semi-annual payment to be made by the Grantee under Subsection (A) above, shall be in lieu of all special taxes or assessments, license taxes or fees, occupation taxes, rental taxes or charges, and charges for police supervision, inspection or protection, which the municipality otherwise might now or hereafter, during the aforesaid period be empowered to levy upon, assess against, or collect from the Grantee, except those called, which may be passed on or charged to the customers of Grantee in the municipality, but shall not eliminate the general property taxes. (Ord. No. 164 §§5--6, 5-25-65)

CHAPTER 730: CITY SALES TAX ON UTILITIES

SECTION 730.010: SALES TAX

- A. That the municipal sales tax on all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil used for non-business, non-commercial or non-industrial purposes heretofore imposed within the corporate limits of this municipality is hereby reimposed.
- B. That the rate of taxation shall be, as heretofore, one and one-half percent (1½%). (Ord. No. 386 §§1--3, 1-1-80)